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CUMULATIVE SUPPLEMENT
TO
MISSISSIPPI CODE
1972 ANNOTATED

Issued September 2014

**CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI
ENACTED THROUGH THE 2014 REGULAR SESSION**

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Volume 10

Titles 35 to 37 (Chapters 1 to 35)

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User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.

PUBLISHER'S FOREWORD

Statutes

The 2014 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2014 Regular Session and 1st and 2nd Extraordinary Sessions.

Annotations

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

- Southern Reporter, 3rd Series
- United States Supreme Court Reports
- Supreme Court Reporter
- United States Supreme Court Reports, Lawyers' Edition, 2nd Series
- Federal Reporter, 3rd Series
- Federal Supplement, 2nd Series
- Federal Rules Decisions
- Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

- American Law Reports, 6th Series
- American Law Reports, Federal 2nd
- Mississippi College Law Review
- Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

Amendment Notes

Amendment notes detail how the new legislation affects existing sections.

Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

PUBLISHER'S FOREWORD

Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2014 Regular Session and 1st and 2nd Extraordinary Sessions.

Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

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SCHEDULE OF NEW SECTIONS

Added in this Supplement

TITLE 37. EDUCATION

CHAPTER 13. Curriculum; School Year and Attendance

MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW

SEC.

- 37-13-80.1. Middle school dropout prevention and recovery pilot program; minimum necessary requirements of pilot program; development and implementation of alternative student performance accountability method to evaluate pilot program school districts.

CHAPTER 17. Accreditation of Schools

- 37-17-15. Withdrawal of accreditation of certain school districts for reasons other than failure to meet student academic standards or comply with financial accountability requirements does not limit district schools' participation in extracurricular or athletic activities.

CHAPTER 19. Teacher Compensation

- 37-19-10. School recognition program created for prospective salary supplements for teachers and staff; Legislative intent; purpose; school eligibility; School Recognition Program Fund.

CHAPTER 21. Early Childhood Education

- 37-21-11. Kindergarten Readiness Assessment Program; legislative intent; timing of assessment.

CHAPTER 24. Mississippi Youth Concussion Law

- 37-24-1. Short title.
37-24-3. Definitions.
37-24-5. Concussion management and return to play policy; components.
37-24-7. Concussion recognition education course; materials.
37-24-9. Immunity.

CHAPTER 27. Agricultural High Schools

- 37-27-80. Hinds Agriculture High School discontinued; disposal of property; diplomas.



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MISSISSIPPI CODE 1972

ANNOTATED

VOLUME TEN

TITLE 35

WAR VETERANS AND PENSIONS

Chapter 7.	Veterans' Home Purchase Law	35-7-1
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CHAPTER 7

Veterans' Home Purchase Law

SEC.	
35-7-7.	Creation of Veterans' Home Purchase Board; composition; qualifications, appointment, terms of office and compensation of members; general powers and duties of board; officers and employees.
35-7-17.	Acquisition of homes for resale to veterans; refinancing of permanent mortgage loans; limitations as to applications for purchase.

§ 35-7-7. Creation of Veterans' Home Purchase Board; composition; qualifications, appointment, terms of office and compensation of members; general powers and duties of board; officers and employees.

The administration of the provisions hereof is vested in a Veterans' Home Purchase Board consisting of six (6) members who shall be appointed, or reappointed, by the Governor, with the advice and consent of the Senate. Members appointed to the board shall be veterans of either World War II, the Korean Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict or have served in active duty for at least one hundred eighty (180) days during a time of war or a conflict in which a campaign ribbon or medal was issued and shall possess a background in business, banking, real estate or the legal profession which enables them to carry out the duties of the board. No state/department commander of any federally recognized veterans organization, no national officer of any federally recognized veterans organization and no member of the Mississippi Council of Veterans Organizations shall be eligible for appointment to the board until the expiration of a period of three (3) years after the termination of his service in such disqualifying positions. Appointments shall be staggered, with each Governor appointing or reappointing two (2) members in the first year of his administration; one (1) member in the second year, two

(2) members in the third year, and one (1) member in the fourth year. Appointments for terms that expire in 1988 shall be made as follows: one (1) shall be made for a term ending on July 1, 1989; one (1) shall be made for a term ending on July 1, 1991; and two (2) shall be made for a term ending on July 1, 1992. Persons appointed to succeed the two (2) members whose terms expired in 1986, or any such member holding over after 1986 because no successor was appointed, shall serve until July 1, 1990. After the expiration of the foregoing terms, all appointments shall be for a term of four (4) years from the expiration date of the previous term. From and after July 1, 1988, one (1) appointee shall be selected from each of the five (5) congressional districts of this state as such districts are composed on May 1, 1987, and one (1) appointee shall be selected from the state at large. Any vacancy occurring during a term shall be filled by appointment of a member for the unexpired portion of the term.

The board is hereby authorized and empowered to make and promulgate such reasonable rules and regulations under this chapter as it shall deem to be necessary or advisable and to enforce the same. The board shall have authority to render the final decision on the purchase application process, approval of purchases, funding of purchase commitments, servicing loans and default, property security, management, resale, release from security, and all other matters relating to the purchases and loans made under this law. The board shall likewise, by an order spread on its minutes, elect a chairman and vice chairman to serve for one-year terms, and all such officers are eligible to succeed themselves in such offices. The chairman may appoint a three-member loan committee from the membership of the board and shall specify the conditions, responsibilities and authority of such committee.

Each member of the board and his successor shall be reimbursed all of his actual and necessary traveling and other expenses incurred in the attendance of the meetings of the board or in the performance of other duties in connection with the business of the board as provided for state officers and employees in Section 25-3-41, and shall be allowed a per diem as provided in Section 25-3-69 for such attendance; provided that the number of days per diem shall not exceed sixty-six (66) days for the chairman and fifty (50) days for other members of the board during any one (1) fiscal year. The above limitation of days per year shall not apply to board members appointed on a full-time basis to the loan committee.

The director, or other executive officer employed by the board, shall execute a surety bond in the sum of One Hundred Thousand Dollars (\$100,000.00), conditioned upon the faithful performance of his duties and upon his accounting for all monies coming into his hands; and each employee handling funds shall execute a like bond in the sum of Fifteen Thousand Dollars (\$15,000.00), and the premiums thereon shall be paid from the funds provided for administering this chapter.

The board may designate one (1) of its employees as the acting director or executive officer by a vote of the majority of the members of the board, officially recorded in the minutes of a regular or special meeting, and such acting

director shall be vested with all the authority conferred upon the director by the provisions of this chapter; but such acting director may not serve for a continuous period of time in excess of six (6) months, and the acting director, when so designated, will be required to furnish surety bond in the same amount and under the same conditions as the director. The purpose of this provision is to designate an executive officer during any temporary illness, absence or incapacity of the regularly designated director.

The board may designate one (1) of its employees by a vote of the majority of the members of the board, officially recorded in the minutes of a regular or special meeting, to be authorized to sign a Deed of Conveyance or other closing documents necessary as to not delay the closing or settlement of a home purchase during the absence or unavailability of the director.

The board may select and employ such expert, technical and clerical assistance as in its judgment may be necessary in the proper administration of said board and fix the salaries of such employees.

The board is empowered to employ auditors and accountants to examine the books, accounts and records of the board if it so desires, and the board is also authorized to employ legal counsel if it deems such a course necessary in the proper administration of its affairs.

SOURCES: Codes, 1942, §§ 7519, 7530; Laws, 1936, ch. 199; Laws, 1946, ch. 221, §§ 3, 4, 20; Laws, 1948, ch. 500, §§ 3, 4, 18; Laws, 1950, ch. 465, §§ 3, 4, 18; Laws, 1958, ch. 460, § 2; Laws, 1964, ch. 478; Laws, 1968, ch. 483, § 1; Laws, 1973, ch. 376, § 1; Laws, 1980, ch. 560, § 12; Laws, 1987, ch. 425, § 4; Laws, 1994, ch. 346, § 1; Laws, 2009, ch. 305, § 1; Laws, 2014, ch. 344, § 1, eff from and after passage (approved March 14, 2014.)

Amendment Notes — The 2014 amendment inserted the sixth paragraph and made minor stylistic changes.

§ 35-7-17. Acquisition of homes for resale to veterans; refinancing of permanent mortgage loans; limitations as to applications for purchase.

(1) The board may acquire for sale to a veteran a home situated in the State of Mississippi, provided that the cost of such home to the board does not exceed the maximum loan limit as provided in 38 USCS Section 3703 by application of the housing loan guaranty for housing loans to veterans as defined in 38 USCS Section 3701. A veteran purchasing such home may advance a sum of money on the purchase price of the home. In addition to the home acquisition, the board may also provide the funds for any funding fee charged by the Department of Veterans Affairs for any loan contract underwritten or guaranteed by the Department of Veterans Affairs even if the home acquisition cost and the funding fee together exceed the maximum loan amount.

Nothing contained in this chapter shall prevent the acquisition for sale to a veteran by the Veterans' Home Purchase Board of the State of Mississippi of a home, the title to which has, prior to the date of such purchase, been vested

in such veteran if title thereto is vested in such veteran due to (a) the veteran previously owning the land and the purpose of the application is to finance a home on the land; (b) the veteran having taken title to the land for the purpose of obtaining construction financing or otherwise constructing or making a major renovation of a home on the land; or (c) the veteran having previously taken title to the land and home under a nonpermanent purchase money lien to secure his ability to purchase the property while awaiting processing, approval and closing of his application with the board.

The proceeds of the purchase approved may be applied toward the liquidation of a purchase money lien, contractor's or materialman's lien, or temporary construction loan outstanding against the property if the board should determine that the indebtedness secured by such liens or loan is not adequately financed on a permanent basis.

(2) The limit provided above on the cost of property to the board may be exceeded in the case of a veteran who has been certified for the purchase of a home under Public Law No. 782 of the 80th Congress, by Public Law No. 286 of the 81st Congress, and other amendments thereto, which provides special benefits to veterans who have lost the use of both legs. In such cases where the federal government donates half of the cost of a dwelling for such a disabled veteran, as provided by Public Law No. 286, and, further, where the Department of Veterans Affairs guarantees half of the remainder of the purchase price, the board may increase the amount of money to be advanced for such a purchase to the maximum loan limits, as provided above.

(3) Except as otherwise provided in subsection (5) of this section, the board shall not consider an application to refinance a home with adequate permanent financing with a lending institution, individual or other entity, or the refinancing of the veteran's equity in a home to which he has title. The board will consider, on a case-by-case basis, the adequacy of financing when a veteran has title to the property and financing with variable rates, terms or payments where the board can ascertain that the loan was made with temporary intent on either the part of the veteran or lender, or where the veteran is in jeopardy of losing the financing due to no fault of his own. In such cases, the board shall ascertain that the present lender has no objection to the early payoff of the loan and that the veteran has not obtained and continued any form of temporary financing for the purpose of waiting for financing by the board when he could have previously obtained adequate, permanent financing.

(4) The board shall not consider applications for purchase that would provide the veteran with a second home, or provide funds to be used either directly or indirectly for investment purposes. The veteran must divest himself of any personal residence before being eligible to close the board purchase on a new property. Divestment may be accomplished by sale which transfers title to another individual, or by an irrevocable lease/purchase contract, or land contract where title passes after the prescribed payment. This requirement that the veteran divest himself may be waived by the board in cases where the board can ascertain that the ownership of such property was originally intended as a temporary residence or a condominium or mobile home, or that

the veteran's present residence is inadequate for his needs; and in cases where the requirement to sell on short notice will cause a financial hardship or loss to the veteran in the market place; and in cases where the sale of the present residence is not necessary to free the veteran of obligations to qualify financially for the new loan. When such waiver is granted, the veteran must agree in writing (a) not to reside in the former residence for a period of ten (10) years, (b) that the rent proceeds in excess of mortgage payments and cash expenses on the old home will be paid to the board as a reduction to the loan balance on the new home, and (c) that, at the sale of the old home within a period of ten (10) years, a full disclosure of the sale shall be made to the board and proceeds of the sale in excess of mortgage payoff and actual cost of the sale will be paid to the board as a reduction to the balance of the existing loan with the board.

(5) The board may provide for the refinancing of permanent mortgage loans under the following conditions:

(a) Funds are available to the board from the issuance of its notes or bonds in amounts in excess of the funds required for applicants on a waiting list for their first loan from the board.

(b) The veteran has an outstanding mortgage or mortgages on the property to be refinanced.

(c) The terms and conditions of the refinance loan complies with the Department of Veterans Affairs guaranteed loan program guidelines for refinance.

(d) The refinance loan shall be limited to the payoff of existing mortgages plus the closing costs of the transaction and further limited to eighty percent (80%) of the property value or amount of the Department of Veterans Affairs guaranty available on the refinance loan.

(e) The board may establish interest rates, terms and conditions on refinance loans which may differ from original loans made by the board.

SOURCES: Codes, 1942, § 7520; Laws, 1936, ch. 199; Laws, 1946, ch. 221, § 7; Laws, 1948 ch. 493, § 1 ch. 500, § 7, 1950, ch. 465, § 7; Laws, 1956, ch. 352, § 1; Laws, 1958, ch. 460, § 3; Laws, 1962, ch. 478, § 1; Laws, 1964, ch. 479; Laws, 1968, ch. 481, § 1; Laws, 1974, ch. 404, § 1; Laws, 1979, ch. 313, § 1; Laws, 1985, ch. 501, § 2; Laws, 1987, ch. 425, § 8; Laws, 1993, ch. 409, § 1; Laws, 1996, ch. 363, § 1; Laws, 1999, ch. 325, § 1; Laws, 2014, ch. 345, § 1, eff from and after passage (approved March 14, 2014.)

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected a typographical error. In the last sentence in (4), "and (c) that" was substituted for "(c) and that." The Joint Committee ratified the correction at its July 24, 2014, meeting.

Amendment Notes — The 2014 amendment, in the second sentence of (3), inserted hyphens in between the words "case by case"; and rewrote (5)(c), which read "The weighted average interest rate of all mortgages on the property to be refinanced must be at least three and five-tenths percent (3.5%) greater than the rate provided by the refinance loan."

TITLE 37

EDUCATION

Chapter 3.	State Department of Education	37-3-1
Chapter 4.	Mississippi Community College Board	37-4-1
Chapter 5.	County Boards of Education and Superintendents	37-5-1
Chapter 7.	School Districts; Boards of Trustees of School Districts	37-7-1
Chapter 9.	District Superintendents, Principals, Teachers, and Other Employees	37-9-1
Chapter 11.	General Provisions Pertaining to Education	37-11-1
Chapter 13.	Curriculum; School Year and Attendance	37-13-1
Chapter 15.	Public Schools; Records, Enrollment and Transfer of Pupils	37-15-1
Chapter 17.	Accreditation of Schools	37-17-1
Chapter 19.	Teacher Compensation	37-19-1
Chapter 21.	Early Childhood Education	37-21-1
Chapter 24.	Mississippi Youth Concussion Law	37-24-1
Chapter 27.	Agricultural High Schools	37-27-1
Chapter 28.	Charter Schools [Repealed]	
Chapter 29.	Junior Colleges	37-29-1
Chapter 31.	Vocational Education	37-31-1
Chapter 33.	Civilian Vocational Rehabilitation	37-33-1
Chapter 35.	Adult Education	37-35-1

CHAPTER 3

State Department of Education

SEC.	
37-3-2.	Certification of teachers and administrators.
37-3-13.	Appointment and compensation of deputy superintendents, associate superintendents, directors and other employees; exemption of personnel actions of State Department of Education from State Personnel Board procedures for limited time period.
37-3-25.	Appointment, compensation and duties of Director of Division of Vocational and Technical Education.
37-3-83.	School Safety Grant Program; implementation of "Erin's Law Awareness" policy addressing sexual abuse of children.
37-3-95.	Junior Reserve Officer Training Corps (JROTC) statewide coordinator; powers and duties.
37-3-99.	Repealed.

§ 37-3-2. Certification of teachers and administrators.

(1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each congressional district: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4)(a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of Section 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas; and

(l) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education.

(6)(a) **Standard License — Approved Program Route.** — An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a Bachelor of Science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective

subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a Bachelor of Science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS). Effective July 1, 2016, for initial elementary education licensure, a teacher candidate must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the State Board of Education;

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations;

(iv) Any other document required by the State Board of Education; and

(v) From and after September 30, 2015, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

1. Twenty-one (21) ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and

2. No less than 2.75 GPA on pre-major coursework of the institution's approved teacher education program provided that the accepted cohort of candidates meets or exceeds a 3.0 GPA on pre-major coursework.

(b) **Standard License — Nontraditional Teaching Route.** — From and after September 30, 2015, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:

(i) Twenty-one (21) ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and

(ii) No less than 2.75 GPA on content coursework in the requested area of certification or passing Praxis II scores at or above the national recommended score provided that the accepted cohort of candidates of the institution's teacher education program meets or exceeds a 3.0 GPA on pre-major coursework.

Beginning January 1, 2004, an individual who has a passing score on the Praxis I Basic Skills and Praxis II Specialty Area Test in the requested area of endorsement may apply for the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of

nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

(ii) The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.

(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

(v) An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by

the employing school district with the assistance of the State Department of Education.

(vi) Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License — Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License — Nontraditional Route which shall be valid for a five-year period and be renewable.

(vii) At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

(viii) The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License — Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

A Standard License — Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License — Approved Program Route or Standard License — Nontraditional Teaching Route over persons holding any other license.

(c) **Special License — Expert Citizen.** — In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License — Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License — Nonrenewable.** — The State Board of Education is authorized to establish rules and regulations to allow those

educators not meeting requirements in subsection (6)(a), (b) or (c) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** — A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License — Transitional Bilingual Education.** — Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers.** — Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License.** — The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License — Nonpracticing.** — Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License — Entry Level.** — Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator License — Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) **Standard Administrator License — Career Level.** — An administrator who has met all the requirements of the department for standard administrator licensure.

(d) **Administrator License — Nontraditional Route.** — The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** — (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

(9) **Renewal and Reinstatement of Licenses.** — The State Board of Education is authorized to establish rules and regulations for the renewal and

reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission or its subcommittee shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the committee or its subcommittee. An appeal to the State Board of Education shall be on the record previously made before the commission or its subcommittee unless otherwise provided by rules and regulations adopted by the board. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the committee or its subcommittee. The decision of the State Board of Education shall be final.

(11) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(a) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(b) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(c) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect, at the time of application for a license;

(d) Revocation, suspension or surrender of an applicant's certificate or license by another state shall result in immediate denial of licensure until such time that the records predicated the revocation, suspension or surrender in the prior state have been cleared;

(e) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(f) Failing or refusing to furnish reasonable evidence of identification;

(g) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;

(h) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For

purposes of this paragraph (h) and paragraph (g) of this subsection, a “guilty plea” includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion; or

(i) Probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, shall result in the immediate denial of licensure application until expiration of the probationary or post-release supervision period.

(12) The State Board of Education, acting on the recommendation of the commission, may revoke or suspend any teacher or administrator license for specified periods of time for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph, a “guilty plea” includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(e) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law, shall result in immediate suspension or revocation;

(f) The license holder has received probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, which shall result in immediate suspension or revocation until expiration of the probationary or post-release supervision period;

(g) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(h) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

(i) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95;

(j) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24; or

(k) The license holder served as superintendent or principal in a school district during the time preceding and/or that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator.

(13)(a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14)(a) A person whose license has been revoked or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of revocation or surrender, or after one-half ($\frac{1}{2}$) of the revoked or surrendered time has lapsed, whichever is greater. A person whose license has been suspended on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any

person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public school districts of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SOURCES: Laws, 1982, Ex Sess, ch. 17, § 10; Laws, 1988, ch. 464, § 1; Laws, 1988, ch. 536, § 1; Laws, 1989, ch. 373, § 1; Laws, 1991, ch. 502, § 1; Laws, 1991, ch. 534, § 1; Laws, 1992, ch. 519, § 2; Laws, 1992, ch. 524, § 2; Laws, 1993, ch. 594, § 1; Laws, 1994, ch. 596, § 1; Laws, 1994, ch. 581, § 16; Laws, 1996, ch. 507, § 9; Laws, 1996, ch. 540, § 1; Laws, 1997, ch. 545, § 1; Laws, 2000, ch. 432, § 1; Laws, 2000, ch. 550, § 1; Laws, 2002, ch. 587, § 1; Laws, 2004, ch. 409, § 1; Laws, 2004, ch. 478, § 1; Laws, 2006, ch. 504, § 3;

reenacted without change, Laws, 2009, ch. 345, § 2; reenacted and amended, Laws, 2009, ch. 445, § 2; Laws, 2011, ch. 514, § 1; Laws, 2012, ch. 376, § 1; Laws, 2013, ch. 350, § 3; Laws, 2013, ch. 496, § 1; Laws, 2013, ch. 497, § 39; Laws, 2014, ch. 318, § 1; Laws, 2014, ch. 397, § 8; Laws, 2014, ch. 458, § 3; Laws, 2014, ch. 536, § 3, eff from and after July 1, 2014.

Joint Legislative Committee Note — Section 1 of ch. 318, Laws of 2014, effective from and after passage (approved March 13, 2014), amended this section. Section 8 of ch. 397, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014), Section 3 of ch. 458, Laws of 2014, effective from and after passage (approved March 31, 2014), and Section 3 of ch. 536, Laws of 2014, effective from and after July 1, 2014 (approved April 24, 2014), also amended this section. As set out above, this section reflects the language of all four amendments pursuant to Section 1-1-109 which gives the Joint Legislative Committee on Compilation, Revision, and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision, and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at the July 24, 2014, meeting of the Committee.

Amendment Notes — The first 2014 amendment (ch. 318), in (6)(b)(ii), inserted “or passing Praxis II scores at or above the national recommended score” and deleted “from the approved teacher education program” at the end of the sentence.

The second 2014 amendment (ch. 397) substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (2); inserted “Twenty-one” at the beginning of (6)(a)(v)1 and (6)(b)(i) and made related changes.

The third 2014 amendment (ch. 458), in (2), substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” near the end of the second sentence; in (10), substituted “Commission on Teacher and Administrator Education” for “Commission of Teacher and Administrator Education”; added (12)(k) and made related changes.

The fourth 2014 amendment (ch. 536), added the last sentence in (6)(a)(ii).

Cross References — Failure to repay critical needs teacher forgivable loan and interest as cause for revocation of teaching license, see § 37-106-55.

§ 37-3-13. Appointment and compensation of deputy superintendents, associate superintendents, directors and other employees; exemption of personnel actions of State Department of Education from State Personnel Board procedures for limited time period.

(1) The deputy superintendents, associate superintendents and directors shall be selected by and hold office subject to the will of the State Superintendent of Public Education subject to the approval of the State Board of Education. All other personnel shall be competitively appointed by the State Superintendent and shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. The State Board of Education shall set the salary of the deputy superintendents, associate superintendents and divisional directors, and the members of the teaching staffs and employees of the Mississippi School of the Arts. The State Superintendent, subject to the approval of the State Personnel Board, shall fix the amount of compensation of all other employees of the State Department of Education. All salaries, compensation or expenses of any of the personnel of the

department shall be paid upon the requisition of the State Superintendent of Public Education and warrant issued thereunder by the State Auditor out of funds appropriated by the Legislature in a lump sum upon the basis of budgetary requirements submitted by the Superintendent of Education or out of funds otherwise made available. The entire expense of administering the department shall never exceed the amount appropriated therefor, plus funds received from other sources other than state appropriations. For a violation of this provision, the superintendent shall be liable, and he and the sureties on his bond shall be required to restore any such excess.

(2) For a period of two (2) years beginning July 1, 2014, the provisions of subsection (1) regarding the personnel actions of the State Department of Education shall not be subject to the rules and regulations of the State Personnel Board for all personnel employed by the department within that period. All personnel hired within the period of exemption from the state personnel system shall be classified as nonstate service and must meet the criteria of the State Personnel Board as it presently exists for employment.

SOURCES: Codes, 1942, § 6245-04; Laws, 1946, ch. 297, § 4; Laws, 1982, Ex Sess, ch. 17, § 17; Laws, 1983, ch. 536, § 5; Laws, 1999, ch. 591, § 9; Laws, 2014, ch. 491, § 3, eff from and after passage (approved April 15, 2014.)

Amendment Notes — The 2014 amendment deleted former (1) pertaining to appointment of Assistant State Superintendent and other officers and employees prior to July 1, 1984; redesignated former (2) as (1) and deleted “From and after July 1, 1984,” from the beginning of the first sentence; and added (2).

§ 37-3-25. Appointment, compensation and duties of Director of Division of Vocational and Technical Education.

(1) The Director of the Division of Vocational and Technical Education of the State Department of Education who shall be an associate state superintendent of education shall be appointed by the State Superintendent of Public Education. The director’s salary shall be set by the State Board of Education subject to the approval of the State Personnel Board. His salary, compensation, travel expenses or other expenses shall be provided for out of any funds made available for such purpose by the Legislature, the federal government, or other gifts or grants. The director shall be responsible to the State Superintendent of Public Education for the proper administration of the programs of vocational and technical education in conformity with the policies adopted by the State Board of Education and shall be responsible for appointing any necessary supervisors, assistants, and employees to assist in carrying out the programs of vocational and technical education. The director shall have the authority to employ, compensate, terminate, promote, demote, transfer or reprimand employees of the division. The salary and compensation of such employees shall be subject to the rules and regulations adopted and promulgated by the State Personnel Board as created under Section 25-9-101 et seq. However, if for any reason within the two-year period beginning July 1, 2014, a new Director of the Division of Vocational and Technical Education or other personnel within

the division are employed by the department, the employment shall not be subject to the rules and regulations of the State Personnel Board, except as otherwise provided in Section 25-9-127(4).

(2) The Director of the Division of Vocational and Technical Education, subject to the approval of the State Board of Education, shall have charge of and be responsible for vocational and technical education training in:

- (a) Agriculture;
- (b) Occupational and consumer home economics;
- (c) Consumer and homemaking education;
- (d) Trades and industry;
- (e) Distributive education;
- (f) Secondary adult education;
- (g) Teacher training and supervision;
- (h) Business and office;
- (i) Health;
- (j) Industrial arts;
- (k) Guidance services;
- (l) Technical education;
- (m) Cooperative education; and

(n) All other specialized training not requiring a bachelors degree, with the exception of programs of nursing education regulated under the provisions of Section 37-129-1.

SOURCES: Codes, 1942, § 6245-08; Laws, 1946, ch. 297, § 8; Laws, 1948, ch. 294, § 1; Laws, 1964, ch. 383; Laws, 1968, ch. 388, § 4; Laws, 1970, ch. 363, § 3; Laws, 1982, ch. 493, § 6; Laws, 1992, ch. 482, § 1; Laws, 1999, ch. 572, § 2; Laws, 2014, ch. 491, § 4, eff from and after passage (approved April 15, 2014.)

Amendment Notes — The 2014 amendment added the last sentence in (1).

§ 37-3-83. School Safety Grant Program; implementation of “Erin’s Law Awareness” policy addressing sexual abuse of children.

(1) There is established within the State Department of Education, using only existing staff and resources, a School Safety Grant Program, available to all eligible public school districts, to assist in financing programs to provide school safety. However, no monies from the Temporary Assistance for Needy Families grant may be used for the School Safety Grant Program.

(2) The school board of each school district, with the assistance of the State Department of Education School Safety Center, shall adopt a comprehensive local school district school safety plan and shall update the plan on an annual basis.

(3) Subject to the extent of appropriations available, the School Safety Grant Program shall offer any of the following specific preventive services, and other additional services appropriate to the most current school district school safety plan:

- (a) Metal detectors;
- (b) Video surveillance cameras, communications equipment and monitoring equipment for classrooms, school buildings, school grounds and school buses;
- (c) Crisis management/action teams responding to school violence;
- (d) Violence prevention training, conflict resolution training, and other appropriate training designated by the State Department of Education for faculty and staff; and
- (e) School safety personnel.

(4) Each local school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature. School safety grants shall include a base grant amount plus an additional amount per student in average daily attendance in the school or school district. The base grant amount and amount per student shall be determined by the State Board of Education, subject to specific appropriation therefor by the Legislature. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department, and shall be required to establish a local School Safety Task Force to involve members of the community in the school safety effort. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for school safety grants.

(5) As part of the School Safety Grant Program, the State Department of Education may conduct a pilot program to research the feasibility of using video camera equipment in the classroom to address the following:

- (a) Determine if video cameras in the classroom reduce student disciplinary problems;
- (b) Enable teachers to present clear and convincing evidence of a student's disruptive behavior to the student, the principal, the superintendent and the student's parents; and
- (c) Enable teachers to review teaching performance and receive diagnostic feedback for developmental purposes.

(6) Any local school district may use audio/visual-monitoring equipment in classrooms, hallways, buildings, grounds and buses for the purpose of monitoring school disciplinary problems.

(7) As a component of the comprehensive local school district school safety plan required under subsection (2) of this section, the school board of a school district may adopt and implement a policy addressing sexual abuse of children, to be known as "Erin's Law Awareness." Any policy adopted under this subsection may include or address, but need not be limited to, the following:

- (a) Methods for increasing teacher, student and parental awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;
- (b) Educational information for parents or guardians, which may be included in the school handbook, on the warning signs of a child being abused, along with any needed assistance, referral or resource information;

- (c) Training for school personnel on child sexual abuse;
- (d) Age-appropriate curriculum for students in prekindergarten through fifth grade;
- (e) Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention;
- (f) Counseling and resources available for students affected by sexual abuse; and
- (g) Emotional and educational support for a child who has been abused to enable the child to be successful in school.

SOURCES: Laws, 1994, ch. 607, § 11; Laws, 1997, ch. 525, § 1; Laws, 2001, ch. 486, § 3; Laws, 2011, ch. 442, § 10; Laws, 2014, ch. 491, § 11, eff from and after passage (approved April 15, 2014.)

Amendment Notes — The 2014 amendment added (7).

§ 37-3-95. Junior Reserve Officer Training Corps (JROTC) statewide coordinator; powers and duties.

(1) Subject to the availability of funding for such purpose, the State Superintendent of Public Education shall employ within the State Department of Education or, in the alternative, contract with the Mississippi Military Department for a statewide coordinator for Junior Reserve Officer Training Corps (JROTC) programs in the public schools. If employed by the State Department of Education, the JROTC statewide coordinator must be an active or retired member of the military and must meet any additional qualifications that may be established for the position by the State Superintendent of Public Education or State Personnel Board. However, if for any reason within the two-year period beginning July 1, 2014, a new JROTC statewide coordinator is employed by the department, the employment of such individual shall not be subject to the rules and regulations of the State Personnel Board, except as otherwise provided in Section 25-9-127(4).

(2) The following are the powers and duties of the JROTC statewide coordinator:

- (a) To coordinate training of new JROTC instructors and continuing education programs for certified instructors;
- (b) To facilitate communication between JROTC programs in the various public schools;
- (c) To assist in organizing competitions among JROTC units from different high schools;
- (d) To assist in the development of the JROTC curriculum;
- (e) To compile information on scholarships available to JROTC participants and to solicit support for such scholarships;
- (f) To assist in establishing support groups for parents of students participating in a JROTC program;
- (g) To solicit and accept financial support for JROTC programs from private sector donors;

(h) To promote the involvement of JROTC units within their local communities;

(i) To facilitate interaction between JROTC units and the Mississippi National Guard and Mississippi Air National Guard;

(j) To promote, in general, the JROTC program in high schools throughout the state;

(k) To assist local schools with the application process for establishing new JROTC programs in high schools; and

(l) To perform such other duties relating to the JROTC program established by the State Superintendent of Public Education or State Board of Education.

SOURCES: Laws, 2001, ch. 592, § 1; Laws, 2014, ch. 491, § 5, eff from and after passage (approved April 15, 2014.)

Amendment Notes — The 2014 amendment added the last sentence in (1).

§ 37-3-99. Repealed.

Repealed by its own terms, effective July 1, 2013.

§ 37-3-99. [Laws, 2006, ch. 554, § 1; Laws, 2007, ch. 511, § 1; Laws, 2008, ch. 418, § 1, eff from and after July 1, 2008.]

Editor's Note — Former § 37-3-99 related to curriculum choices for students who are interested in direct entry into the workforce upon high school graduation and created a pilot program to redesign secondary schools to function as workforce development centers.

CHAPTER 4

Mississippi Community College Board

SEC.

- 37-4-3. Establishment of board; composition; qualifications, appointment, terms of office and compensation of members; officers; director of state system of public junior and community colleges; general powers and duties of board.
- 37-4-4. Persons required to attend meetings of board; compensation.
- 37-4-5. Definitions.
- 37-4-7. Development by board of uniform employment contract for professional employees.
- 37-4-9. Conduct and funding of incentive certification program.
- 37-4-11. Transfer of Industrial Training Programs and postsecondary Adult Short-term Training Programs to Workforce Education Program; board to develop accountability system; annual report.
- 37-4-13. Mississippi Community College Board authorized to negotiate multi-year industrial training program commitments.
- 37-4-15. Board to conduct study of state funding structure for community and junior colleges.

§ 37-4-3. Establishment of board; composition; qualifications, appointment, terms of office and compensation of members; officers; director of state system of public junior and community colleges; general powers and duties of board.

(1) From and after July 1, 1986, there shall be a Mississippi Community College Board which shall receive and distribute funds appropriated by the Legislature for the use of the public community and junior colleges and funds from federal and other sources that are transmitted through the state governmental organization for use by said colleges. This board shall provide general coordination of the public community and junior colleges, assemble reports and such other duties as may be prescribed by law.

(2) The board shall consist of ten (10) members of which none shall be an elected official and none shall be engaged in the educational profession. The Governor shall appoint two (2) members from the First Mississippi Congressional District, one (1) who shall serve an initial term of two (2) years and one (1) who shall serve an initial term of five (5) years; two (2) members from the Second Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of three (3) years; and two (2) members from the Third Mississippi Congressional District, one (1) who shall serve an initial term of four (4) years and one (1) who shall serve an initial term of two (2) years; two (2) members from the Fourth Mississippi Congressional District, one (1) who shall serve an initial term of three (3) years and one (1) who shall serve an initial term of four (4) years; and two (2) members from the Fifth Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of two (2) years. All subsequent appointments shall be for a term of six (6) years and continue until their successors are appointed and qualify. An appointment to fill a vacancy which arises for reasons other than by expiration of a term of office shall be for the unexpired term only. No two (2) appointees shall reside in the same junior college district. All members shall be appointed with the advice and consent of the Senate.

(3) There shall be a chairman and vice chairman of the board, elected by and from the membership of the board; and the chairman shall be the presiding officer of the board. The board shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business.

(4) The members of the board shall receive no annual salary, but shall receive per diem compensation as authorized by Section 25-3-69, Mississippi Code of 1972, for each day devoted to the discharge of official board duties and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by Section 25-3-41, Mississippi Code of 1972.

(5) The board shall name a director for the state system of public junior and community colleges, who shall serve at the pleasure of the board. Such director shall be the chief executive officer of the board, give direction to the

board staff, carry out the policies set forth by the board, and work with the presidents of the several community and junior colleges to assist them in carrying out the mandates of the several boards of trustees and in functioning within the state system and policies established by the Mississippi Community College Board. The Mississippi Community College Board shall set the salary of the Director of the Board. The Legislature shall provide adequate funds for the Mississippi Community College Board, its activities and its staff.

(6) The powers and duties of the Mississippi Community College Board shall be:

(a) To authorize disbursements of state appropriated funds to community and junior colleges through orders in the minutes of the board.

(b) To make studies of the needs of the state as they relate to the mission of the community and junior colleges.

(c) To approve new, changes to and deletions of vocational and technical programs to the various colleges.

(d) To require community and junior colleges to supply such information as the board may request and compile, publish and make available such reports based thereon as the board may deem advisable.

(e) To approve proposed new attendance centers (campus locations) as the local boards of trustees should determine to be in the best interest of the district. Provided, however, that no new community/junior college branch campus shall be approved without an authorizing act of the Legislature.

(f) To serve as the state approving agency for federal funds for proposed contracts to borrow money for the purpose of acquiring land, erecting, repairing, etc. dormitories, dwellings or apartments for students and/or faculty, such loans to be paid from revenue produced by such facilities as requested by local boards of trustees.

(g) To approve applications from community and junior colleges for state funds for vocational-technical education facilities.

(h) To approve any university branch campus offering lower undergraduate level courses for credit.

(i) To appoint members to the Post-Secondary Educational Assistance Board.

(j) To appoint members to the Authority for Educational Television.

(k) To contract with other boards, commissions, governmental entities, foundations, corporations or individuals for programs, services, grants and awards when such are needed for the operation and development of the state public community and junior college system.

(l) To fix standards for community and junior colleges to qualify for appropriations, and qualifications for community and junior college teachers.

(m) To have sign-off approval on the State Plan for Vocational Education which is developed in cooperation with appropriate units of the State Department of Education.

(n) To approve or disapprove of any proposed inclusion within municipal corporate limits of state-owned buildings and grounds of any community

college or junior college and to approve or disapprove of land use development, zoning requirements, building codes and delivery of governmental services applicable to state-owned buildings and grounds of any community college or junior college. Any agreement by a local board of trustees of a community college or junior college to annexation of state-owned property or other conditions described in this paragraph shall be void unless approved by the board and by the board of supervisors of the county in which the state-owned property is located.

SOURCES: Laws, 1986, ch. 434, § 2; Laws, 1988, ch. 461; Laws, 2014, ch. 397, § 9, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, in (1), (5), and (6), substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges”; and in (5), substituted “Director of the Board” for “Director of the State System of Community and Junior Colleges” in the third sentence.

§ 37-4-4. Persons required to attend meetings of board; compensation.

The Commissioner of Higher Education, or his designee, and one (1) member of the Board of Trustees of State Institutions of Higher Learning to be designated by the chairman of said board, shall attend all regular meetings of the Mississippi Community College Board. Said university representatives shall have no jurisdiction or vote on any matter within the jurisdiction of the board. The Commissioner of Higher Education and any designee who is a state employee shall receive no per diem for attending meetings of the board, but shall be entitled to actual and necessary expense reimbursement and mileage for attending meetings at locations other than Jackson, Mississippi. The designee of the Board of Trustees of State Institutions of Higher Learning shall receive per diem compensation as authorized by Section 25-3-69, Mississippi Code of 1972, for attending said meetings, and shall be entitled to reimbursement for all actual and necessary expense reimbursement and mileage, which shall be paid from funds appropriated to the Mississippi Community College Board.

SOURCES: Laws, 1989, ch. 413, § 1; Laws, 2014, ch. 397, § 10, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” at the end of the first and last sentences.

§ 37-4-5. Definitions.

(1) The terms “Junior College Commission” and “State Board for Community and Junior Colleges,” whenever they appear in the laws of the State of Mississippi, mean the “Mississippi Community College Board.”

(2) The term “High School Equivalency Diploma,” whenever it appears in the laws of the State of Mississippi, means a high school diploma that has been approved by the Mississippi Community College Board.

(3) The terms “general educational development,” “general education development” and “GED,” whenever they appear in the laws of the State of Mississippi, mean a high school equivalency diploma as defined in subsection (2) of this section.

SOURCES: Laws, 1986, ch. 434, § 18; Laws, 2011, ch. 358, § 1; Laws, 2014, ch. 397, § 1; brought forward without change, Laws, 2014, ch. 398, § 1, eff from and after July 1, 2014.

Joint Legislative Committee Note — Section 1 of ch. 397, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014, 9:10 a.m.), amended this section. Section 1 of ch. 398, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014, 9:27 a.m.), also amended this section. As set out above, this section reflects the language of Section 1 of ch. 398, Laws of 2014, pursuant to Section 1-3-79 which provides that whenever the same section of law is amended by different bills during the same legislative session, and the effective dates of the amendments are the same, the amendment with the latest approval date shall supersede all other amendments to the same section approved on an earlier date.

Amendment Notes — The first 2014 amendment (ch. 397) brought the section forward without change.

The second 2014 amendment (ch. 398) added the (1) designation, and added (2) and (3).

§ 37-4-7. Development by board of uniform employment contract for professional employees.

The Mississippi Community College Board shall study the feasibility of developing and implementing a state adopted uniform contract within each community and junior college district. Such study shall include, but not be limited to, the following areas for consideration:

- (a) Terms of employment;
- (b) Salary schedules;
- (c) Leave provisions;
- (d) Health insurance benefits;
- (e) Tenure;
- (f) Retirement benefits.

SOURCES: Laws, 1988, ch. 561, § 1; Laws, 2014, ch. 397, § 11, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in the first sentence.

§ 37-4-9. Conduct and funding of incentive certification program.

The Mississippi Community College Board is authorized to receive income from voluntary fees, contributions, donations, other forms of financial assistance, materials or manpower from persons, corporations, organizations and other sources, private or public, to be utilized and expended by the board in carrying out the incentive certification program mandated by the Work Force and Education Act of 1994 in Sections 37-151-63 through 37-151-75 and 37-153-1 through 37-153-13. Additionally, awards or scholarships to industry or to students or both are authorized.

SOURCES: Laws, 1995, ch. 376, § 1; Laws, 2014, ch. 397, § 12, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges.”

§ 37-4-11. Transfer of Industrial Training Programs and postsecondary Adult Short-term Training Programs to Workforce Education Program; board to develop accountability system; annual report.

(1) The purpose of this section is to insure the uniform management, oversight and accountability of the state-funded Industrial Training Programs, and postsecondary Adult Short-Term Training Programs and Workforce Education Programs administered by the Mississippi Community College Board for adults provided to the citizens of Mississippi.

(2) Effective July 1, 1999, all state-funded Industrial Training Programs and postsecondary Adult Short-term Training Programs administered by and through the State Department of Education on June 30, 1999, shall be transferred to the Workforce Education Program of the Mississippi Community College Board. The Legislature shall appropriate annually to the Mississippi Community College Board funds necessary to administer these programs.

(3) Effective July 1, 1999, all funds, unexpended balances, assets, liabilities and property of the State Department of Education which are used in the delivery of postsecondary Adult Short-term Training Programs and Industrial Training Programs, excluding funds, unexpended balances, assets, liabilities and property associated with the Research and Curriculum Unit at Mississippi State University, shall be transferred to the Workforce Education Program funds of the Mississippi Community College Board. The State Department of Education also shall transfer to the Mississippi Community College Board all positions and funds employed by the State Department of Education and community colleges which render industrial training, postsecondary adult short-term training or workforce education services, including the seven (7) administrative and support positions providing support to these programs.

Sufficient staff positions shall be transferred from the State Department of Education, which will have a reduction in training and educational responsibilities by virtue of this section, to the Mississippi Community College Board to assure that the transferred responsibilities will be properly managed and administered. Any funds available to the State Department of Education for Industrial Training Programs and state-funded postsecondary Adult Short-term Training Programs which are subject to carryover shall be transferred to the Work Force Carryover Fund established by Chapter 498, Laws of 1995, for use by the Mississippi Community College Board, on or before August 15, 1999.

(4) The Mississippi Community College Board shall develop an accountability system that shall report and describe all classes taught in the area of workforce education, the number of persons taught in these classes, and the location and cost of each class taught. To assess the impact of these programs, the Mississippi Community College Board also shall report:

(a) Whether the needs of industry have been met through training program offerings;

(b) Any changes in the income of trainees between the completion of training and the date of the report;

(c) The number of jobs created and the number of jobs retained through the programs; and

(d) Trainee success in passing proficiency tests, where applicable.

This information shall be reported on a fiscal year basis and shall be provided to the House and Senate Education Committees before December 15 of each year.

SOURCES: Laws, 1999, ch. 572, § 1; Laws, 2003, ch. 312, § 1; Laws, 2003, ch. 416, § 2; Laws, 2006, ch. 368, § 1; Laws, 2014, ch. 397, § 13, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” throughout the section.

§ 37-4-13. Mississippi Community College Board authorized to negotiate multi-year industrial training program commitments.

(1) In negotiating commitments under the Industrial Training Programs with industries seeking to locate or expand in Mississippi, the Mississippi Community College Board may enter into multi-year agreements for such training programs subject to the availability of funds appropriated therefor.

(2) The Mississippi Community College Board shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives listing the commitments that are made pursuant to subsection (1) of this section.

SOURCES: Laws, 2000, 2nd Ex Sess, ch. 1, § 59; Laws, 2014, ch. 397, § 14, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” throughout the section.

§ 37-4-15. Board to conduct study of state funding structure for community and junior colleges.

(1) On or after July 1, 2002, the Mississippi Community College Board shall contract with a competent management consulting or accounting firm to study the state funding formula for community and junior colleges. The study shall accomplish the following specific outcomes:

- (a) Evaluate the validity of the current student classifications used in the funding formula and make recommendations for change in the classification system if advisable;
- (b) Evaluate the weights assigned to each student classification and make recommendations for change in the current weights if advisable;
- (c) Identify the best management practices associated with the production of graduates in each of the student classifications and use such information as a basis for validating any changes in weights referred to in paragraph (b) of this subsection. The study of best practices shall also identify the amount of state funding that is used in program areas at schools exhibiting the best management practices.

(2) The report also shall recommend to the Mississippi Community College Board all reporting requirements and systems needed to collect information necessary to maintain a valid system of weights, student classification and the best practices associated with producing graduates most efficiently. All community and junior colleges shall cooperate with the Mississippi Community College Board in conducting this study and in providing all further information on an annual basis necessary to update the weights for programs established as a result of this study, the best management practices and the student classifications established as a result of this study.

(3) The Mississippi Community College Board shall report its findings to the Chairs of the House and Senate Education Committees and the House and Senate Appropriations Committees no later than December 15, 2002.

SOURCES: Laws, 2002, ch. 581, § 1; Laws, 2014, ch. 397, § 15, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” throughout the section.

CHAPTER 5

County Boards of Education and Superintendents

County Boards of Education	37-5-1
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COUNTY BOARDS OF EDUCATION

SEC.

37-5-19. Filling of vacancies on board.

§ 37-5-19. Filling of vacancies on board.

Vacancies in the membership of the county board of education shall be filled by appointment, within sixty (60) days after the vacancy occurs, by the remaining members of the county board of education. Said appointee shall be selected from the qualified electors of the district in which the vacancy occurs, and shall serve until the first Monday of January next succeeding the next general election, at which general election a member shall be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for the full term. In the event the school district is under conservatorship and no members of the county board of education remain in office, the Governor shall call a special election to fill the vacancies and said election will be conducted by the county election commission.

In the event the vacancy occurs more than five (5) months prior to the next general election and the remaining members of the county board of education are unable to agree upon an individual to be appointed, any two (2) of the remaining members may certify such disagreement to the county election commission. Upon the receipt of such a certificate by the county election commission, or any member thereof, the commission shall hold a special election to fill the vacancy, which said election, notice thereof and ballot shall be controlled by the laws concerning special elections to fill vacancies in county or county district offices. The person elected at such a special election shall serve for the remainder of the unexpired term.

SOURCES: Codes, 1942, § 6271-04; Laws, 1953, Ex Sess ch. 10, § 4; Laws, 1960, ch. 299; Laws, 2013, ch. 331, § 2; Laws, 2013, ch. 363, § 2, eff July 16, 2013 (the date of the United States Attorney General's response to the submission of this section under Section 5 of the Voting Rights Act of 1965).

Editor's Note — This section was amended by two bills in 2013. The effective date of each of the two bills that amended this section, Chapter 331 (House Bill No. 975) and Chapter 363 (Senate Bill No. 2779), is "from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended." However, after the bills were approved, the United States Supreme Court, in the case of *Shelby County v. Holder* (June 25, 2013), struck down the coverage formula that determined what jurisdictions are subject to Section 5 of the Voting Rights Act, so the coverage formula can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5.

Because of the *Shelby County* decision, the United States Attorney General is not making any determinations under Section 5 on voting or election changes made by states. The Supreme Court did not strike down Section 5, so it is still in effect. Chapter 331 was submitted to the United States Attorney General before the *Shelby County* decision was rendered. In a letter dated July 9, 2013, the United States Attorney General responded that he is not making determinations on the merits of any bill that

is submitted under Section 5. The submission of Chapter 331 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 331, so Chapter 331 became effective on the date of the response letter from the United States Attorney General, July 9, 2013.

Chapter 363 was not submitted before the *Shelby County* decision, but the Mississippi Attorney General's Office submitted Chapter 363 to the United States Attorney General, in order to technically meet the requirements of Section 5 and fulfill the condition in the effective date of the bill, which will allow the bill to take effect.

By letter dated July 16, 2013, the United States Attorney General responded that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 363 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 363, so Chapter 363 became effective from and after July 16, 2013, the date of the United States Attorney General's response letter. Because that date is later than the date of the response letter for Chapter 331, the version of this section in Chapter 363 is the controlling version of this section.

CHAPTER 7

School Districts; Boards of Trustees of School Districts

Article 3.	Abolition, Alteration and Creation of Districts	37-7-101
Article 5.	Boards of Trustees; Qualifications, Selection and Meetings	37-7-201
Article 7.	Boards of Trustees; General Powers and Duties	37-7-301
Article 13.	Special Municipal Separate School Districts	37-7-701

ARTICLE 3.

ABOLITION, ALTERATION AND CREATION OF DISTRICTS.

SEC.

37-7-103.	Abolition, reorganization or alteration of district by school board.
37-7-104.2.	Administrative consolidation of all school districts in Clay County, Mississippi, into one school district; procedure.
37-7-104.3.	Administrative consolidation of all school districts in Oktibbeha County, Mississippi, into Starkville-Oktibbeha Consolidated School District; powers and responsibilities of Conservator of Oktibbeha County School District; procedure; issue of bonds and notes for repairs, improvements, purchase of books, buses, equipment, etc.

§ 37-7-103. Abolition, reorganization or alteration of district by school board.

From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school

district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104 or Section 37-7-104.2 or Section 37-7-104.3 shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

SOURCES: Codes, 1942, § 6274-06; Laws, 1953, Ex Sess, ch. 16, § 6; Laws, 1986, ch. 492, § 52; Laws, 2012, ch. 441, § 2; Laws, 2012, ch. 551, § 1; Laws, 2013, ch. 568, § 2; Laws, 2013, ch. 572, § 3, eff October 25, 2013 (the date of the United States Attorney General's response to the submission of this section under Section 5 of the Voting Rights Act of 1965).

Joint Legislative Committee Note — Section 2 of ch. 568, Laws of 2013, effective October 25, 2013, the date of the United States Attorney General's response to the submission of this section under Section 5 of the Voting Rights Act of 1965 (approved on April 25, 2013), amended this section. Section 3 of ch. 572, Laws of 2013, effective October 24, 2013, the date of the United States Attorney General's response to the submission of this section under Section 5 of the Voting Rights Act of 1965 (approved on April 25, 2013), also amended this section. As set out above, this section reflects the language of both amendments, pursuant to Section 1-1-109 which gives the Joint Legislative Committee on Compilation, Revision and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at the August 1, 2013, meeting of the Committee.

Editor's Note — This section was amended by two bills in 2013. The effective date of each of the two bills that amended this section, Chapter 572 (House Bill No. 716) and Chapter 568 (Senate Bill No. 2637), is "from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended." However, after the bills were approved, the United States Supreme Court, in the case of *Shelby County v. Holder* (June 25, 2013), struck down the coverage formula that determined what jurisdictions are subject to Section 5 of the Voting Rights Act, so the coverage formula can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5.

Because of the *Shelby County* decision, the United States Attorney General is not making any determinations under Section 5 on voting or election changes made by states. The Supreme Court did not strike down Section 5, so it is still in effect. For that reason, the Mississippi Attorney General's Office submitted Chapter 572 and Chapter 568 to the United States Attorney General, in order to technically meet the requirements of Section 5 and fulfill the condition in the effective date of the bills, which will allow the bills to take effect.

By letter dated October 24, 2013, the United States Attorney General responded to the submission of Chapter 572, that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 572 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 572, so Chapter 572 became effective from and after October 24, 2013, the date of the United States Attorney General's response letter.

By letter dated October 25, 2013, the United States Attorney General responded to the submission of Chapter 568, that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 568 and the response from the United States Attorney General technically met the requirements of

Section 5 and fulfilled the condition in the effective date of Chapter 568, so Chapter 568 became effective from and after October 25, 2013, the date of the United States Attorney General's response letter.

The Joint Committee on Compilation, Revision and Publication of Legislation, in its meeting on August 1, 2013, voted to integrate the amendments to this section by Chapter 572 and Chapter 568. The amendments to this section became effective from and after October 25, 2013, the date of the latest response letter from the United States Attorney General.

§ 37-7-104.2. Administrative consolidation of all school districts in Clay County, Mississippi, into one school district; procedure.

(1) In Clay County, Mississippi, in which are located, as of January 1, 2013, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new consolidated school district to be designated as West Point Consolidated School District which shall consist of the territory of the former Clay County School District and the West Point School District. The central administrative office of the West Point Consolidated School District shall be located in West Point, Mississippi.

(2) On or before September 1, 2013, the State Board of Education shall serve the local school boards in Clay County with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of the school districts in the county on or before July 1, 2015. In the new West Point Consolidated School District, there shall be a new board of trustees comprised of five (5) members selected as follows: (a) the Mayor and Board of Aldermen of the City of West Point shall appoint three (3) of the five (5) members, each to be selected for a term of four (4) years; and (b) two (2) members to be elected for a term of four (4) years by the electors of Clay County residing outside of the West Point corporate limits who shall be residents of that territory and who shall be elected in a November 2014 special election which shall be called by the Governor for that purpose. All subsequent members of the board elected from the territory outside of the West Point corporate limits shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members. All elected and appointed members shall take office on the first Monday of January following the date of their election or appointment. The State Board of Education, with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), shall apportion the territory of the new consolidated school district located outside the West Point corporate limits into two (2) new single member board of trustee election districts. The State Board of Education shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each school district in the county, the new district lines will thereafter be

effective for the November 2014 special election. Any school board member of the former school districts residing in the proper territory shall be eligible for appointment or election to the new Board of Trustees for West Point Consolidated School District.

Any school district affected by the required administrative consolidation in Clay County that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective on July 1 following the election of the new local school board. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the selection of the new board of trustees. The affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the selection of the new school boards.

(3) On July 1 following the selection of the new Board of Trustees of the West Point Consolidated School District, the former county board of education and the former Board of Trustees of the West Point School District shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such former school district shall be transferred to the new reorganized school district of West Point Consolidated School District in which such former school district is located. Each former school board shall be responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor school board. The new Board of Trustees for the West Point Consolidated School District shall appoint the Superintendent of Schools for the school district. The Superintendent of Schools for the West Point Consolidated School District may appoint assistant superintendent(s) of schools for the district, but in no instance shall the administrative leadership of the West Point Consolidated School District exceed the number of assistant superintendents employed in the former West Point School District. The subsequent superintendent of schools of the reorganized school district shall not be elected, but shall thereafter be appointed by the successor board of trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new reorganized district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation. Any person or school district aggrieved by an order of the successor newly selected Board of Trustees of the West Point Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Said appeal

shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, Mississippi Code of 1972, the provisions of which shall be fully applicable to appeals taken hereunder. The Board of Trustees of the West Point Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom shall have expired, nor shall said board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal shall have been finally determined.

(4) When any school district in the county is abolished under the provisions of this section, the abolition thereof shall not impair or release the property of that former school district from liability for the payment of the bonds or other indebtedness of such district.

(5) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Clay County pursuant to this section. The consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in subsection (7) of Section 25-15-9. When the orders of the State Board of Education adopting the boundaries of the successor board of trustees election districts have been entered and are final, as directed by the State Board of Education, the new district lines shall be submitted by the State Board of Education with the assistance of the Attorney General to the Attorney General of the United States for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. In the event the change in the school district lines and election districts are precleared or approved, the State Board of Education shall formally declare the new lines as the new boundaries of the successor school district.

(7) For the initial two (2) years following the administrative consolidation required by this section, the State Department of Education may grant a waiver of accountability and state assessment requirements to the West Point Consolidated School District for the student population enrolled therein from the former Clay County School District when determining the new consolidated school district accreditation level on the performance and accountability rating model.

SOURCES: Laws, 2013, ch. 568, § 1, eff October 25, 2013 (the date of the United States Attorney General's response to the submission of this section under Section 5 of the Voting Rights Act of 1965).

Editor's Note — The effective date of Chapter 568, which added this section, is "from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as

amended and extended.” However, after the bill was approved, the United States Supreme Court, in the case of *Shelby County v. Holder* (June 25, 2013), struck down the coverage formula that determined what jurisdictions are subject to Section 5 of the Voting Rights Act, so the coverage formula can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5.

Because of the *Shelby County* decision, the United States Attorney General is not making any determinations under Section 5 on voting or election changes made by states. The Supreme Court did not strike down Section 5, so it is still in effect. For that reason, the Mississippi Attorney General’s Office submitted Chapter 568 to the United States Attorney General, in order to technically meet the requirements of Section 5 and fulfill the condition in the effective date of the bill, which will allow the bill to take effect.

By letter dated October 25, 2013, the United States Attorney General responded to the submission of Chapter 568 that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 568 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 568, so Chapter 568 became effective from and after October 25, 2013, the date of the United States Attorney General’s response letter.

§ 37-7-104.3. Administrative consolidation of all school districts in Oktibbeha County, Mississippi, into Starkville-Oktibbeha Consolidated School District; powers and responsibilities of Conservator of Oktibbeha County School District; procedure; issue of bonds and notes for repairs, improvements, purchase of books, buses, equipment, etc.

(1) In Oktibbeha County, Mississippi, in which are located, as of January 1, 2013, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide municipal separate school district to be designated as Starkville-Oktibbeha Consolidated School District which shall consist of the territory of the former Oktibbeha County School District and the Starkville School District, effective on July 1, 2015. Until June 30, 2015, preceding the effective date of the required administrative consolidation of school districts in the county, the Oktibbeha County School District shall remain in conservatorship, under the authority and control of the Mississippi Recovery School District of the State Department of Education. At such time that the administrative consolidation becomes effective, the central administrative office of the Starkville-Oktibbeha Consolidated School District shall be located in Starkville, Mississippi.

(2)(a) On or before July 1, 2014, the State Board of Education shall serve the local school board of the Starkville School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section.

(b) In the new consolidated school district there shall be a countywide municipal separate school district board of trustees, which shall consist of the existing members of the Board of Trustees of the Starkville School District. However, upon the first occurrence of a vacancy on the board as a result of an expired term of an appointed board member, that vacancy shall

become an elected position and shall be filled by the election of a board member as follows: the 2016 expiring term board member shall remain in office until January 1, 2017. In November 2016, an election will be held for a board member who resides outside of the incorporated municipal limits in the manner prescribed in Section 37-7-203, and the elected board member will take office for a five-year term beginning January 1, 2017. Subsequent board members shall be selected in the manner prescribed in Section 37-7-203. The Board of Supervisors of Oktibbeha County shall publish notice of the school board elections in some newspaper of general circulation in the county for at least three (3) consecutive weeks.

(c) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the motion to consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(3) On July 1, 2015, following the motion of State Board of Education to consolidate school districts in Oktibbeha County, the Oktibbeha County School District shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school district shall be transferred to the Starkville-Oktibbeha Consolidated School District as of July 1, 2015. The Conservator of the Oktibbeha County School District is authorized and directed to execute and record all documents and conveyances necessary to convey title to all real and personal property of the Oktibbeha County School District to the Starkville-Oktibbeha Consolidated School District. The conservator is further authorized and directed to sign all documents and to take all actions necessary to assign contracts and other property, contract rights and obligations of the Oktibbeha County School District to the Starkville-Oktibbeha Consolidated School District. The Board of Trustees of the Starkville School District shall be responsible for establishing the contracts for operations, teachers, principals, clerical and administrative staff personnel for the 2015-2016 school year prior to July 1, 2015, and shall consult with the conservator for the establishment of contracts for teachers, principals, clerical and administrative staff personnel located in the former Oktibbeha County School District for the 2015-2016 school year. In order to prepare for the efficient staffing of the Starkville-Oktibbeha Consolidated School District, the Conservator of the Oktibbeha County School District and the Superintendent of the Starkville School District shall have full authority to nonrenew the employment contract of any teacher, principal, clerical or administrative staff located within their respective school districts for the 2015-2016 school year. The superintendent and assistant superintendent(s) of schools of the former

Starkville School District shall continue to serve in like administrative capacities of the Starkville-Oktibbeha Consolidated School District, but in no instance shall the administrative leadership of the Starkville-Oktibbeha Consolidated School District exceed three (3) assistant superintendents to be appointed by the superintendent of the former Starkville School District. No superintendent serving in the former Oktibbeha County School District shall be eligible for appointment as a superintendent or assistant superintendent in the Starkville-Oktibbeha Consolidated School District. Likewise, no trustee serving in the former Oktibbeha County School District shall be eligible for election to the new Board of Trustees of the Starkville-Oktibbeha Consolidated School District. It shall be the responsibility of the board of trustees to prepare and approve the budget of the respective new reorganized district, and the board of trustees may use staff from the former school district to prepare the budget. Any transfer of the assets, real or personal property of the Oktibbeha County School District mandated by this section shall be final and conclusive for the purposes of the transfer of property required by this section to effectuate the administrative consolidation.

(4) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(5) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Oktibbeha County pursuant to the requirements of this section. Beginning with the insurance cafeteria plan year of November 1, 2014, the consolidated districts shall fall under all insurance plans and policies elected by the Starkville Public School District, including the group term life insurance described in Section 25-15-9(7).

(6) For the initial three (3) years following the administrative consolidation required by this section, the State Department of Education shall grant a waiver of accountability and state assessment requirements to the Starkville-Oktibbeha Consolidated School District, subject to the approval of the State Board of Education.

(7) As soon as practicable after April 24, 2014, the Conservator of the Oktibbeha County School District shall initiate the issuance of notes or certificates of indebtedness of the Oktibbeha County School District for the purpose of purchasing school buses, textbooks, computers and software and other equipment and fixtures for school facilities, and for any purposes enumerated in Section 37-59-3, Mississippi Code of 1972, and making repairs, alterations, utility upgrades and additions to two (2) elementary school buildings located in the Oktibbeha County School District in order to meet the same physical and educational standards as the elementary school buildings in Starkville, and to contribute funds to the Starkville School District for capital improvements to accommodate county school district students and increase

capacity for the consolidation. The contribution of such funds to the Starkville School District is hereby authorized. Said notes or certificates of indebtedness shall be issued under the authority of Sections 37-59-101 through 37-59-115, Mississippi Code of 1972, including all notice requirements, however, the resolution as to the necessity for the issuance of the notes and the execution of the documents shall be made by the Conservator of the Oktibbeha County School District. The term of any notes or certificates of indebtedness issued under this section may not exceed the useful life of the financed project as determined according to the upper limit of useful life and depreciation guidelines established under the United States Internal Revenue Code and regulations. The levying authority for the Oktibbeha County School District, and after July 1, 2015, the levying authority for the Starkville-Oktibbeha Consolidated School District, shall annually levy a special tax on all taxable property of the former Oktibbeha County School District in an amount sufficient to pay the principal of and interest on such negotiable notes or certificates of indebtedness as the same shall respectively mature and accrue. Said tax shall be levied as provided in Section 37-59-107, Mississippi Code of 1972, except that the levy shall not exceed three (3) mills on the dollar for the payment of all notes that are subject to the levy under Section 37-59-107. Any notes or certificates of indebtedness issued pursuant to this subsection (7) shall become indebtedness of the new Starkville-Oktibbeha Consolidated School District from and after July 1, 2015, and the mandatory special ad valorem tax levied to pay the notes or certificates of indebtedness by the levying authority pursuant to Section 37-59-101, Mississippi Code of 1972, shall be levied upon all of the taxable property within the former Oktibbeha County School District.

(8) For a period beginning July 1, 2014, and ending June 30, 2015, the Conservator of the Oktibbeha County School District shall issue negotiable bonds of the Oktibbeha County School District for the purpose of purchasing school buses, textbooks, computers and software and other equipment and fixtures for school facilities, and making repairs, alterations and additions and utility upgrades, and for any purposes allowed by Section 37-59-3, Mississippi Code of 1972, to school facilities in the Oktibbeha County School District and in the Starkville School District to accommodate students in the former Oktibbeha County School District who will be attending school in the new Starkville-Oktibbeha Consolidated School District and the increased capacity needs under the consolidation. Said bonds shall be issued under the authority of Sections 37-59-1 through 37-59-45, however, the resolution as to the necessity for the issuance of the bonds and execution of the documents may be made by the Conservator of the Oktibbeha County School District. Provided further, that the conservator shall publish notice of the issuance of the bonds once each week for at least three (3) consecutive weeks in a newspaper having general circulation in the Oktibbeha County School District, with the first publication thereof to be made not less than fifteen (15) days prior to the date upon which the conservator is to take final action upon the question of authorizing the issuance of said bonds. If no petition requesting an election is filed prior to the date on which the conservator is to take final action on the

issuance of the bonds, then the conservator shall authorize the issuance of the bonds. If at any time prior to the date on which the conservator takes final action upon the question of issuing such bonds a petition signed by not less than twenty percent (20%) of the qualified electors of the Oktibbeha County School District shall be filed with the Conservator of the Oktibbeha County School District requesting that an election be called on the question of issuing the bonds, then the conservator shall either rescind the resolution of intent or adopt a resolution calling an election to be held within the territory of the Oktibbeha County School District upon such question. The election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the question of bond issues under Sections 37-59-13, 37-59-15 and 37-59-17, and the results thereof shall be certified by the Oktibbeha County Election Commission to the Conservator of the Oktibbeha County School District. If three-fifths (¾) of the qualified electors who voted in such election vote in favor of the issuance of such bonds, then the conservator shall authorize the Oktibbeha County School District to issue such bonds. Notwithstanding any provision to the contrary, the Oktibbeha County School District may issue bonds pursuant to this subsection (8) in an amount which, when added to all of the Oktibbeha County School District's then outstanding bonded indebtedness, shall not result in the imposition on any of the property in said district of an indebtedness for school purposes of more than twenty percent (20%) of the assessed value of the taxable property within said district, according to the then last completed assessment for taxation. Any bonds issued pursuant to this subsection (8) shall become indebtedness of the new Starkville-Oktibbeha Consolidated School District from and after July 1, 2015, and the mandatory special ad valorem tax to be levied by the levying authority pursuant to Section 37-59-23, Mississippi Code of 1972, to pay the bonds shall be levied only upon the taxable real property that was within the former Oktibbeha County School District. The tax for the bonds may not be imposed on the real property within the former Starkville School District.

(9) For a period beginning July 1, 2015, and ending July 1, 2024, the new Starkville-Oktibbeha Consolidated School District Board of Trustees may issue negotiable bonds of the Starkville-Oktibbeha Consolidated School District for the purpose of purchasing school buses, textbooks, computers and software and other equipment and fixtures for school facilities and for any purposes enumerated in Section 37-59-3, Mississippi Code of 1972. The term of any such bonds may not exceed the useful life of the financed project as determined according to the upper limit of useful life and depreciation guidelines established under the United States Internal Revenue Code and regulations. Said bonds shall be issued under the authority of Sections 37-59-1 through 37-59-45, including all notice and publication requirements, however, the necessity for the issuance of the bonds shall be made pursuant to a reverse referendum procedure to be followed by the Starkville-Oktibbeha Consolidated School District Board of Trustees as follows: the board of trustees shall publish notice of the issuance of the bonds once each week for at least three (3) consecutive weeks in a newspaper having general circulation in the Starkville-

Oktibbeha Consolidated School District, with the first publication thereof to be made not less than fifteen (15) days prior to the date on which the board of trustees is to take final action authorizing the issuance of the bonds. If no petition requesting an election is filed prior to the date on which the board of trustees is to take final action on the issuance of the bonds, the board of trustees shall authorize the issuance of the bonds. If at any time prior to the date on which the board of trustees is to take final action authorizing the issuance of the bonds a petition signed by not less than twenty percent (20%) of the qualified electors of the Starkville-Oktibbeha Consolidated School District shall be filed with the Board of Trustees of Starkville-Oktibbeha Consolidated School District requesting that an election be called on the question of issuing the bonds, then the board of trustees shall, not later than its next regular meeting, adopt a resolution calling an election to be held within the Starkville-Oktibbeha Consolidated School District upon such question. The election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the question of bond issues under Sections 37-59-13, 37-59-15 and 37-59-17, and the results there shall be certified to the Starkville-Oktibbeha Consolidated School District Board of Trustees, as the case may be. If three-fifths ($\frac{3}{5}$) of the qualified electors who voted in such election vote in favor of the issuance of such bonds, then the board of trustees shall issue such bonds. Notwithstanding any provision to the contrary, the Starkville-Oktibbeha Consolidated School District may issue bonds pursuant to this subsection (9) in an amount which, when added to all of the Starkville-Oktibbeha Consolidated School District's then outstanding bonded indebtedness, shall not result in the imposition on any of the property in said district of an indebtedness for school purposes of more than twenty percent (20%) of the assessed value of the taxable property within said district, according to the then last completed assessment for taxation. Any bonds issued pursuant to this subsection (9) shall be indebtedness of the new Starkville-Oktibbeha Consolidated School District. The mandatory special ad valorem tax to be levied by the levying authority pursuant to Section 37-59-23, Mississippi Code of 1972, shall be levied on all taxable property of the Starkville-Oktibbeha Consolidated School District.

(10) From and after July 1, 2015, all outstanding debt of the former Oktibbeha County School District and the former Starkville School District shall be assumed by and become the debt of the new Starkville-Oktibbeha Consolidated School District. Any debt assumed by the Starkville-Oktibbeha Consolidated School District secured by a special ad valorem tax shall be secured by and payable from a special ad valorem tax levied on taxable property in the former Starkville School District and the former Oktibbeha County School District, by its respective levying authority. All debt secured by a pledge by either district of its education enhancement funds pursuant to Section 37-61-33, Mississippi Code of 1972, or by a pledge of its Mississippi Adequate Education Program funds will continue to be secured by and payable from the same funds after the debt is assumed by the Starkville-Oktibbeha Consolidated School District as of July 1, 2015. It is the intent of the

Legislature that any such pledges will remain in effect and that the pledged funds will be available to the Starkville-Oktibbeha Consolidated School District to pay its debt to which the funds are pledged.

(11) It shall be the responsibility of the Board of Supervisors of Oktibbeha County to provide office, furnishing and utilities for the administrative Office of the Superintendent of the Starkville-Oktibbeha Consolidated School District.

(12) The new Starkville-Oktibbeha Consolidated School District is authorized and encouraged to develop a partnership with Mississippi State University to create a model rural education school to serve all sixth- and seventh-grade students from Oktibbeha County and a model prekindergarten program which shall also serve as a model for the education of teachers and administrators.

(13) The Board of Supervisors of Oktibbeha County shall be the “levying authority” for the Starkville-Oktibbeha Consolidated School District.

SOURCES: Laws, 2013, ch. 572, § 2; Laws, 2014, ch. 537, § 2, eff from and after passage (approved April 24, 2014.)

Editor’s Note — The effective date of Chapter 572, which added this section, is “from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.” However, after the bill was approved, the United States Supreme Court, in the case of *Shelby County v. Holder* (June 25, 2013), struck down the coverage formula that determined what jurisdictions are subject to Section 5 of the Voting Rights Act, so the coverage formula can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5.

Because of the *Shelby County* decision, the United States Attorney General is not making any determinations under Section 5 on voting or election changes made by states. The Supreme Court did not strike down Section 5, so it is still in effect. For that reason, the Mississippi Attorney General’s Office submitted Chapter 572 to the United States Attorney General, in order to technically meet the requirements of Section 5 and fulfill the condition in the effective date of the bill, which will allow the bill to take effect.

By letter dated October 24, 2013, the United States Attorney General responded to the submission of Chapter 572 that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 572 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 572, so Chapter 572 became effective from and after October 24, 2013, the date of the United States Attorney General’s response letter.

Laws of 2013, ch. 572, § 1, as amended by Laws of 2014, ch. 537, § 1, effective from and after passage (approved April 24, 2014), provides:

“SECTION 1. (1) The Conservator of the Oktibbeha County School District shall fully cooperate and accommodate any and all requests from the Starkville School District regarding the transition to the new Starkville-Oktibbeha Consolidated School District, which shall include, but is not limited to, planning and assignment of: (a) school grades, (b) school programs, (c) repairs and renovations to school facilities, (d) school services, (e) school operations, (f) school staffing, and (g) alignment of curriculum.

“(2) There is hereby created and established an advisory council to be known as the Commission on Starkville Consolidated School District Structure. It shall be the responsibility of the Commission on Starkville Consolidated School District Structure to review the current structure of the school districts and schools in Starkville,

Mississippi, and in Oktibbeha County, Mississippi, and make recommendations on future actions of the provision and transition of service of the newly consolidated school district in order to improve both the quality of education and the efficiency with which it is delivered. The commission shall not decide the issue of whether or not the districts shall be consolidated. The commission shall be composed of seven (7) members as follows:

“(a) The State Superintendent of Education, or his designee, who shall serve as Chairman of the Commission;

“(b) Three (3) representatives of the Starkville School District appointed by the Board of Trustees of the Starkville School District and who may be members of the board or the Superintendent of Schools;

“(c) One (1) resident of the former Oktibbeha County School District to be appointed by the State Superintendent of Education;

“(d) The Conservator for the Oktibbeha County School District appointed by the State Board of Education; and

“(e) One (1) representative of Mississippi State University appointed by the President of Mississippi State University.

“(3) The Commission on Starkville Consolidated School District Structure shall meet within thirty (30) days of passage of this act upon the call of the State Superintendent of Education and shall hold hearings and meet as necessary and develop a report to the Legislature, the Governor and the State Board of Education on or before March 1, 2014, with recommendations to accomplish the following:

“(a) Review the current structure of school districts and the location of schools in Starkville, Mississippi, and Oktibbeha County, Mississippi, and recommend how they can be consolidated into one (1) school district in order to improve both the quality of education and the efficiency at which it is delivered.

“(b) Review the capital facility needs of both school districts and recommend methods of financing necessary improvements, including the possibility of pledging Mississippi Adequate Education Program funds for capital improvement purposes.

“(c) Detail in the report how best to implement consolidation and make any other recommendations on how to maximize education quality in Starkville and Oktibbeha County while eliminating duplicative and wasteful administrative spending.

“(d) The commission shall also be authorized to recommend that portions of the Oktibbeha County School District be merged into districts in adjoining counties.

“The commission shall have the authority to raise and to expend nonstate funds. The State Department of Education shall provide staff and such other support as the commission deems appropriate. After submitting its report on or before March 1, 2014, the commission shall be dissolved.”

Amendment Notes — The 2014 amendment rewrote the section to establish the Starkville-Oktibbeha Consolidated School District, and added (7) through (13).

ARTICLE 5.

BOARDS OF TRUSTEES; QUALIFICATIONS, SELECTION AND MEETINGS.

SEC.	
37-7-207.	Selection and term of trustees of consolidated districts.
37-7-211.	Filing of petition and affidavit by candidate for office of trustee.

§ 37-7-207. Selection and term of trustees of consolidated districts.

(1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie wholly within one (1) county, but not

including municipal separate and countywide districts, shall be governed by a board of five (5) trustees. The first board of trustees of such districts shall be appointed by the county board of education, and the original appointments shall be so made that one (1) trustee shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer, and one (1) for four (4) years longer. After such original appointments, the trustees of such school districts shall be elected by the qualified electors of such school districts in the manner provided for in Sections 37-7-223 through 37-7-229, with each trustee to be elected for a term of five (5) years. The five (5) members of the board of trustees of such consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. The board of trustees of any such consolidated school district shall apportion the consolidated school district into five (5) special trustee election districts. The board of trustees of such school district shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective.

On the first Tuesday after the first Monday in November, in any year in which any consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately. Said appointee shall be selected from the qualified electors of the district in which the vacancy occurs. In the event the school district is under conservatorship and no members of the board of trustees remain in office, the Governor shall call a special election to fill the vacancies and the said election will be conducted by the county election commission.

(2) All school districts reconstituted and created under the provisions of Article 1 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. In making the original appointments, the several county boards of education shall appoint the trustee or trustees to which the territory in such county is entitled, and, by agreement between the county boards concerned, one (1) person shall be appointed to serve until the first Saturday of March following, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer and one (1) for four (4) years longer. Thereafter, such trustees shall be elected as is provided for in Sections 37-7-223 through 37-7-229, for a term of five (5) years. The five (5) members of the board of trustees of such line consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. The existing board of trustees of such line consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective. Provided, however, that in any line consolidated school district encompassing two (2) or more counties created pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section 8, in which, as a condition precedent to the creation of said district, each county belonging thereto was contractually guaranteed to always have at least one (1) representative on said board, in order that said condition precedent may be honored and guaranteed, in any year in which the board of trustees of such line consolidated school district does not have at least one (1) member from each county or part thereof forming such district, the board of trustees in such district shall be governed by a board of a sufficient number of trustees to fulfill this guarantee, five (5) of whom shall be elected from the five (5) special trustee election districts which shall be as nearly equal as possible and one (1) member trustee appointed at large from each county not having representation on the elected board. In such cases, the board of supervisors of each county shall make written agreement to guarantee the manner of appointment of at least one (1) representative from each county in the district, placing such written agreement on the minutes of each board of supervisors in each county.

On the first Tuesday after the first Monday in November, in any year in which any line consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be

elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. In all elections, the trustee elected shall be a resident and qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district. All vacancies which may occur during a term of office shall be filled by appointment of the consolidated line school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as the trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately. In the event the school district is under conservatorship and no members of the board of trustees remain in office, the Governor shall call a special election to fill the vacancies and the said election will be conducted by the county election commission.

SOURCES: Codes, 1942, § 6328-07; Laws, 1953, Ex Sess, ch. 12, § 7; Laws, 1964, ch. 391, § 1; Laws, 1966, ch. 409, § 1; Laws, 1966, ch. 410, § 1; Laws, 1968, ch. 400; Laws, 1981, ch. 409, § 1; Laws, 1988, ch. 523, § 1; Laws, 1990, ch. 567, § 1; Laws, 2002, ch. 598, § 4; Laws, 2013, ch. 331, § 3; Laws, 2013, ch. 363, § 3, eff July 16, 2013 (the date of the United States Attorney General's response to the submission of this section under Section 5 of the Voting Rights Act of 1965).

Editor's Note — This section was amended by two bills in 2013. The effective date of each of the two bills that amended this section, Chapter 331 (House Bill No. 975) and Chapter 363 (Senate Bill No. 2779), is "from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended." However, after the bills were approved, the United States Supreme Court, in the case of *Shelby County v. Holder* (June 25, 2013), struck down the coverage formula that determined what jurisdictions are subject to Section 5 of the Voting Rights Act, so the coverage formula can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5.

Because of the *Shelby County* decision, the United States Attorney General is not making any determinations under Section 5 on voting or election changes made by states. The Supreme Court did not strike down Section 5, so it is still in effect. Chapter 331 was submitted to the United States Attorney General before the *Shelby County* decision was rendered. In a letter dated July 9, 2013, the United States Attorney General responded that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 331 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 331, so Chapter 331 became effective on the date of the response letter from the United States Attorney General, July 9, 2013.

Chapter 363 was not submitted before the *Shelby County* decision, but the Mississippi Attorney General's Office submitted Chapter 363 to the United States Attorney General, in order to technically meet the requirements of Section 5 and fulfill the condition in the effective date of the bill, which will allow the bill to take effect.

By letter dated July 16, 2013, the United States Attorney General responded that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 363 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 363, so Chapter 363 became effective from and after July 16, 2013, the date of the United States Attorney General's response letter. Because that date is later than the date of the response letter for Chapter 331, the version of this section in Chapter 363 is the controlling version of this section.

§ 37-7-211. Filing of petition and affidavit by candidate for office of trustee.

(1) The name of any qualified elector who is otherwise eligible under the provisions of subsection (1) of Section 37-7-203 who shall desire to be a candidate for the office of trustee must qualify in the following manner in order to be allowed to be considered for election. By 5:00 p.m. no more than ninety (90) days and not less than sixty (60) days before the election, he shall file with the county election commissioners a petition signed by not less than fifty (50) qualified electors of the area represented by the office which he seeks, either for a full term or an unexpired term, as the case may be, and an affidavit by the candidate offering for election stating his qualifications under the terms of the section. Where there are less than one hundred (100) qualified electors in said area represented by the trustee, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors in said area. The petition shall contain an affidavit certifying that all signatures are the personal signatures of each person whose name appears on the petition and that each person is a qualified elector.

(2) Unless the petition and affidavit required in subsection (1) of this section are filed by 5:00 p.m. not less than sixty (60) days prior to the election, the name of the candidate shall not be considered in the election, and votes cast for any person who has failed to qualify shall not be counted in the election.

(3) If after the time for candidates to file the petition and affidavit provided for in this section there should be only one (1) person to qualify for the office of trustee, then no election or notice of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

SOURCES: Codes, 1942, § 6328-09; Laws, 1953, Ex Sess, ch. 12, § 9; Laws, 1962, ch. 348; Laws, 1966, ch. 411, § 1; Laws, 1966, ch. 412, § 1; Laws, 1977, ch. 425, § 1; Laws, 1981, ch. 409, § 3; Laws, 1982, ch. 356, § 1; Laws, 2000, ch. 592, § 17; Laws, 2012, ch. 516, § 1; Laws, 2014, ch. 422, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, in (1), substituted “no more than ninety (90) days and not less than” for “at least” and “fifty (50)” for “twenty-five (25),” and added the third sentence; and in (2), substituted “are” for “is” in the first sentence.

ARTICLE 7.

BOARDS OF TRUSTEES; GENERAL POWERS AND DUTIES.

SEC.

37-7-301. General powers and duties.

§ 37-7-301. General powers and duties.

The school boards of all school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

(a) To organize and operate the schools of the district and to make such division between the high school grades and elementary grades as, in their judgment, will serve the best interests of the school;

(b) To introduce public school music, art, manual training and other special subjects into either the elementary or high school grades, as the board shall deem proper;

(c) To be the custodians of real and personal school property and to manage, control and care for same, both during the school term and during vacation;

(d) To have responsibility for the erection, repairing and equipping of school facilities and the making of necessary school improvements;

(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or homebound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district;

(f) To visit schools in the district, in their discretion, in a body for the purpose of determining what can be done for the improvement of the school in a general way;

(g) To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school;

(h) To exclude from the schools students with what appears to be infectious or contagious diseases; provided, however, such student may be allowed to return to school upon presenting a certificate from a public health officer, duly licensed physician or nurse practitioner that the student is free from such disease;

(i) To require those vaccinations specified by the State Health Officer as provided in Section 41-23-37;

(j) To see that all necessary utilities and services are provided in the schools at all times when same are needed;

(k) To authorize the use of the school buildings and grounds for the holding of public meetings and gatherings of the people under such regulations as may be prescribed by said board;

(l) To prescribe and enforce rules and regulations not inconsistent with law or with the regulations of the State Board of Education for their own government and for the government of the schools, and to transact their business at regular and special meetings called and held in the manner provided by law;

(m) To maintain and operate all of the schools under their control for such length of time during the year as may be required;

(n) To enforce in the schools the courses of study and the use of the textbooks prescribed by the proper authorities;

(o) To make orders directed to the superintendent of schools for the issuance of pay certificates for lawful purposes on any available funds of the district and to have full control of the receipt, distribution, allotment and disbursement of all funds provided for the support and operation of the schools of such school district whether such funds be derived from state appropriations, local ad valorem tax collections, or otherwise. The local school board shall be authorized and empowered to promulgate rules and regulations that specify the types of claims and set limits of the dollar amount for payment of claims by the superintendent of schools to be ratified by the board at the next regularly scheduled meeting after payment has been made;

(p) To select all school district personnel in the manner provided by law, and to provide for such employee fringe benefit programs, including accident reimbursement plans, as may be deemed necessary and appropriate by the board;

(q) To provide athletic programs and other school activities and to regulate the establishment and operation of such programs and activities;

(r) To join, in their discretion, any association of school boards and other public school-related organizations, and to pay from local funds other than minimum foundation funds, any membership dues;

(s) To expend local school activity funds, or other available school district funds, other than minimum education program funds, for the purposes prescribed under this paragraph. "Activity funds" shall mean all funds received by school officials in all school districts paid or collected to participate in any school activity, such activity being part of the school program and partially financed with public funds or supplemented by public funds. The term "activity funds" shall not include any funds raised and/or expended by any organization unless commingled in a bank account with existing activity funds, regardless of whether the funds were raised by school employees or received by school employees during school hours or using school facilities, and regardless of whether a school employee exercises influence over the expenditure or disposition of such funds. Organizations shall not be required to make any payment to any school for the use of any school facility if, in the discretion of the local school governing board, the

organization's function shall be deemed to be beneficial to the official or extracurricular programs of the school. For the purposes of this provision, the term "organization" shall not include any organization subject to the control of the local school governing board. Activity funds may only be expended for any necessary expenses or travel costs, including advances, incurred by students and their chaperons in attending any in-state or out-of-state school-related programs, conventions or seminars and/or any commodities, equipment, travel expenses, purchased services or school supplies which the local school governing board, in its discretion, shall deem beneficial to the official or extracurricular programs of the district, including items which may subsequently become the personal property of individuals, including yearbooks, athletic apparel, book covers and trophies. Activity funds may be used to pay travel expenses of school district personnel. The local school governing board shall be authorized and empowered to promulgate rules and regulations specifically designating for what purposes school activity funds may be expended. The local school governing board shall provide (i) that such school activity funds shall be maintained and expended by the principal of the school generating the funds in individual bank accounts, or (ii) that such school activity funds shall be maintained and expended by the superintendent of schools in a central depository approved by the board. The local school governing board shall provide that such school activity funds be audited as part of the annual audit required in Section 37-9-18. The State Department of Education shall prescribe a uniform system of accounting and financial reporting for all school activity fund transactions;

(t) To enter into an energy performance contract, energy services contract, a shared savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as provided for in Section 31-7-14;

(u) To maintain accounts and issue pay certificates on school food service bank accounts;

(v)(i) To lease a school building from an individual, partnership, non-profit corporation or a private for-profit corporation for the use of such school district, and to expend funds therefor as may be available from any nonminimum program sources. The school board of the school district desiring to lease a school building shall declare by resolution that a need exists for a school building and that the school district cannot provide the necessary funds to pay the cost or its proportionate share of the cost of a school building required to meet the present needs. The resolution so adopted by the school board shall be published once each week for three (3) consecutive weeks in a newspaper having a general circulation in the school district involved, with the first publication thereof to be made not less than thirty (30) days prior to the date upon which the school board is to act on the question of leasing a school building. If no petition requesting an election is filed prior to such meeting as hereinafter provided, then the school board may, by resolution spread upon its minutes, proceed to lease a school building. If at any time prior to said meeting a petition signed by

not less than twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the school district involved shall be filed with the school board requesting that an election be called on the question, then the school board shall, not later than the next regular meeting, adopt a resolution calling an election to be held within such school district upon the question of authorizing the school board to lease a school building. Such election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the questions of the issuance of the bonds of school districts, and the results thereof shall be certified to the school board. If at least three-fifths ($\frac{3}{5}$) of the qualified electors of the school district who voted in such election shall vote in favor of the leasing of a school building, then the school board shall proceed to lease a school building. The term of the lease contract shall not exceed twenty (20) years, and the total cost of such lease shall be either the amount of the lowest and best bid accepted by the school board after advertisement for bids or an amount not to exceed the current fair market value of the lease as determined by the averaging of at least two (2) appraisals by certified general appraisers licensed by the State of Mississippi. The term "school building" as used in this paragraph (v)(i) shall be construed to mean any building or buildings used for classroom purposes in connection with the operation of schools and shall include the site therefor, necessary support facilities, and the equipment thereof and appurtenances thereto such as heating facilities, water supply, sewage disposal, landscaping, walks, drives and playgrounds. The term "lease" as used in this paragraph (v)(i) may include a lease-purchase contract;

(ii) If two (2) or more school districts propose to enter into a lease contract jointly, then joint meetings of the school boards having control may be held but no action taken shall be binding on any such school district unless the question of leasing a school building is approved in each participating school district under the procedure hereinabove set forth in paragraph (v)(i). All of the provisions of paragraph (v)(i) regarding the term and amount of the lease contract shall apply to the school boards of school districts acting jointly. Any lease contract executed by two (2) or more school districts as joint lessees shall set out the amount of the aggregate lease rental to be paid by each, which may be agreed upon, but there shall be no right of occupancy by any lessee unless the aggregate rental is paid as stipulated in the lease contract. All rights of joint lessees under the lease contract shall be in proportion to the amount of lease rental paid by each;

(w) To employ all noninstructional and noncertificated employees and fix the duties and compensation of such personnel deemed necessary pursuant to the recommendation of the superintendent of schools;

(x) To employ and fix the duties and compensation of such legal counsel as deemed necessary;

(y) Subject to rules and regulations of the State Board of Education, to purchase, own and operate trucks, vans and other motor vehicles, which shall bear the proper identification required by law;

(z) To expend funds for the payment of substitute teachers and to adopt reasonable regulations for the employment and compensation of such substitute teachers;

(aa) To acquire in its own name by purchase all real property which shall be necessary and desirable in connection with the construction, renovation or improvement of any public school building or structure. Whenever the purchase price for such real property is greater than Fifty Thousand Dollars (\$50,000.00), the school board shall not purchase the property for an amount exceeding the fair market value of such property as determined by the average of at least two (2) independent appraisals by certified general appraisers licensed by the State of Mississippi. If the board shall be unable to agree with the owner of any such real property in connection with any such project, the board shall have the power and authority to acquire any such real property by condemnation proceedings pursuant to Section 11-27-1 et seq., Mississippi Code of 1972, and for such purpose, the right of eminent domain is hereby conferred upon and vested in said board. Provided further, that the local school board is authorized to grant an easement for ingress and egress over sixteenth section land or lieu land in exchange for a similar easement upon adjoining land where the exchange of easements affords substantial benefit to the sixteenth section land; provided, however, the exchange must be based upon values as determined by a competent appraiser, with any differential in value to be adjusted by cash payment. Any easement rights granted over sixteenth section land under such authority shall terminate when the easement ceases to be used for its stated purpose. No sixteenth section or lieu land which is subject to an existing lease shall be burdened by any such easement except by consent of the lessee or unless the school district shall acquire the unexpired leasehold interest affected by the easement;

(bb) To charge reasonable fees related to the educational programs of the district, in the manner prescribed in Section 37-7-335;

(cc) Subject to rules and regulations of the State Board of Education, to purchase relocatable classrooms for the use of such school district, in the manner prescribed in Section 37-1-13;

(dd) Enter into contracts or agreements with other school districts, political subdivisions or governmental entities to carry out one or more of the powers or duties of the school board, or to allow more efficient utilization of limited resources for providing services to the public;

(ee) To provide for in-service training for employees of the district;

(ff) As part of their duties to prescribe the use of textbooks, to provide that parents and legal guardians shall be responsible for the textbooks and for the compensation to the school district for any books which are not returned to the proper schools upon the withdrawal of their dependent child. If a textbook is lost or not returned by any student who drops out of the public school district, the parent or legal guardian shall also compensate the school district for the fair market value of the textbooks;

(gg) To conduct fund-raising activities on behalf of the school district that the local school board, in its discretion, deems appropriate or beneficial to the official or extracurricular programs of the district; provided that:

(i) Any proceeds of the fund-raising activities shall be treated as “activity funds” and shall be accounted for as are other activity funds under this section; and

(ii) Fund-raising activities conducted or authorized by the board for the sale of school pictures, the rental of caps and gowns or the sale of graduation invitations for which the school board receives a commission, rebate or fee shall contain a disclosure statement advising that a portion of the proceeds of the sales or rentals shall be contributed to the student activity fund;

(hh) To allow individual lessons for music, art and other curriculum-related activities for academic credit or nonacademic credit during school hours and using school equipment and facilities, subject to uniform rules and regulations adopted by the school board;

(ii) To charge reasonable fees for participating in an extracurricular activity for academic or nonacademic credit for necessary and required equipment such as safety equipment, band instruments and uniforms;

(jj) To conduct or participate in any fund-raising activities on behalf of or in connection with a tax-exempt charitable organization;

(kk) To exercise such powers as may be reasonably necessary to carry out the provisions of this section;

(ll) To expend funds for the services of nonprofit arts organizations or other such nonprofit organizations who provide performances or other services for the students of the school district;

(mm) To expend federal No Child Left Behind Act funds, or any other available funds that are expressly designated and authorized for that use, to pay training, educational expenses, salary incentives and salary supplements to employees of local school districts; except that incentives shall not be considered part of the local supplement as defined in Section 37-151-5(o), nor shall incentives be considered part of the local supplement paid to an individual teacher for the purposes of Section 37-19-7(1). Mississippi Adequate Education Program funds or any other state funds may not be used for salary incentives or salary supplements as provided in this paragraph (mm);

(nn) To use any available funds, not appropriated or designated for any other purpose, for reimbursement to the state-licensed employees from both in state and out of state, who enter into a contract for employment in a school district, for the expense of moving when the employment necessitates the relocation of the licensed employee to a different geographical area than that in which the licensed employee resides before entering into the contract. The reimbursement shall not exceed One Thousand Dollars (\$1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the move, rented moving vehicles or equipment, mileage in the

amount authorized for county and municipal employees under Section 25-3-41 if the licensed employee used his personal vehicle or vehicles for the move, meals and such other expenses associated with the relocation. No licensed employee may be reimbursed for moving expenses under this section on more than one (1) occasion by the same school district. Nothing in this section shall be construed to require the actual residence to which the licensed employee relocates to be within the boundaries of the school district that has executed a contract for employment in order for the licensed employee to be eligible for reimbursement for the moving expenses. However, the licensed employee must relocate within the boundaries of the State of Mississippi. Any individual receiving relocation assistance through the Critical Teacher Shortage Act as provided in Section 37-159-5 shall not be eligible to receive additional relocation funds as authorized in this paragraph;

(oo) To use any available funds, not appropriated or designated for any other purpose, to reimburse persons who interview for employment as a licensed employee with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview at the rate authorized for county and municipal employees under Section 25-3-41;

(pp) Consistent with the report of the Task Force to Conduct a Best Financial Management Practices Review, to improve school district management and use of resources and identify cost savings as established in Section 8 of Chapter 610, Laws of 2002, local school boards are encouraged to conduct independent reviews of the management and efficiency of schools and school districts. Such management and efficiency reviews shall provide state and local officials and the public with the following:

(i) An assessment of a school district's governance and organizational structure;

(ii) An assessment of the school district's financial and personnel management;

(iii) An assessment of revenue levels and sources;

(iv) An assessment of facilities utilization, planning and maintenance;

(v) An assessment of food services, transportation and safety/security systems;

(vi) An assessment of instructional and administrative technology;

(vii) A review of the instructional management and the efficiency and effectiveness of existing instructional programs; and

(viii) Recommended methods for increasing efficiency and effectiveness in providing educational services to the public;

(qq) To enter into agreements with other local school boards for the establishment of an educational service agency (ESA) to provide for the cooperative needs of the region in which the school district is located, as provided in Section 37-7-345;

(rr) To implement a financial literacy program for students in Grades 10 and 11. The board may review the national programs and obtain free

literature from various nationally recognized programs. After review of the different programs, the board may certify a program that is most appropriate for the school districts' needs. If a district implements a financial literacy program, then any student in Grade 10 or 11 may participate in the program. The financial literacy program shall include, but is not limited to, instruction in the same areas of personal business and finance as required under Section 37-1-3(2)(b). The school board may coordinate with volunteer teachers from local community organizations, including, but not limited to, the following: United States Department of Agriculture Rural Development, United States Department of Housing and Urban Development, Junior Achievement, bankers and other nonprofit organizations. Nothing in this paragraph shall be construed as to require school boards to implement a financial literacy program;

(ss) To collaborate with the State Board of Education, Community Action Agencies or the Department of Human Services to develop and implement a voluntary program to provide services for a prekindergarten program that addresses the cognitive, social, and emotional needs of four-year-old and three-year-old children. The school board may utilize any source of available revenue to fund the voluntary program. Effective with the 2013-2014 school year, to implement voluntary prekindergarten programs under the Early Learning Collaborative Act of 2013 pursuant to state funds awarded by the State Department of Education on a matching basis;

(tt) With respect to any lawful, written obligation of a school district, including, but not limited to, leases (excluding leases of sixteenth section public school trust land), bonds, notes, or other agreement, to agree in writing with the obligee that the Department of Revenue or any state agency, department or commission created under state law may:

(i) Withhold all or any part (as agreed by the school board) of any monies which such local school board is entitled to receive from time to time under any law and which is in the possession of the Department of Revenue, or any state agency, department or commission created under state law; and

(ii) Pay the same over to any financial institution, trustee or other obligee, as directed in writing by the school board, to satisfy all or part of such obligation of the school district.

The school board may make such written agreement to withhold and transfer funds irrevocable for the term of the written obligation and may include in the written agreement any other terms and provisions acceptable to the school board. If the school board files a copy of such written agreement with the Department of Revenue, or any state agency, department or commission created under state law then the Department of Revenue or any state agency, department or commission created under state law shall immediately make the withholdings provided in such agreement from the amounts due the local school board and shall continue to pay the same over to such financial institution, trustee or obligee for the term of the agreement.

This paragraph (tt) shall not grant any extra authority to a school board to issue debt in any amount exceeding statutory limitations on assessed

value of taxable property within such school district or the statutory limitations on debt maturities, and shall not grant any extra authority to impose, levy or collect a tax which is not otherwise expressly provided for, and shall not be construed to apply to sixteenth section public school trust land;

(uu) With respect to any matter or transaction that is competitively bid by a school district, to accept from any bidder as a good-faith deposit or bid bond or bid surety, the same type of good-faith deposit or bid bond or bid surety that may be accepted by the state or any other political subdivision on similar competitively bid matters or transactions. This paragraph (uu) shall not be construed to apply to sixteenth section public school trust land. The school board may authorize the investment of any school district funds in the same kind and manner of investments, including pooled investments, as any other political subdivision, including community hospitals;

(vv) To utilize the alternate method for the conveyance or exchange of unused school buildings and/or land, reserving a partial or other undivided interest in the property, as specifically authorized and provided in Section 37-7-485;

(ww) To delegate, privatize or otherwise enter into a contract with private entities for the operation of any and all functions of nonacademic school process, procedures and operations including, but not limited to, cafeteria workers, janitorial services, transportation, professional development, achievement and instructional consulting services materials and products, purchasing cooperatives, insurance, business manager services, auditing and accounting services, school safety/risk prevention, data processing and student records, and other staff services; however, the authority under this paragraph does not apply to the leasing, management or operation of sixteenth section lands. Local school districts, working through their regional education service agency, are encouraged to enter into buying consortia with other member districts for the purposes of more efficient use of state resources as described in Section 37-7-345;

(xx) To partner with entities, organizations and corporations for the purpose of benefiting the school district;

(yy) To borrow funds from the Rural Economic Development Authority for the maintenance of school buildings;

(zz) To fund and operate voluntary early childhood education programs, defined as programs for children less than five (5) years of age on or before September 1, and to use any source of revenue for such early childhood education programs. Such programs shall not conflict with the Early Learning Collaborative Act of 2013;

(aaa) To issue and provide for the use of procurement cards by school board members, superintendents and licensed school personnel consistent with the rules and regulations of the Mississippi Department of Finance and Administration under Section 31-7-9; and

(bbb) To conduct an annual comprehensive evaluation of the superintendent of schools consistent with the assessment components of paragraph

(pp) of this section and the assessment benchmarks established by the Mississippi School Board Association to evaluate the success the superintendent has attained in meeting district goals and objectives, the superintendent's leadership skill and whether or not the superintendent has established appropriate standards for performance, is monitoring success and is using data for improvement.

SOURCES: Codes, 1942, § 6328-24; Laws, 1953, Ex Sess, ch. 28, § 2; Laws, 1970, ch. 373, § 1; Laws, 1971, ch. 340, § 1; Laws, 1982, ch. 466, § 1; Laws, 1985, ch. 466, § 1; Laws, 1985, ch. 493, § 3; Laws, 1986, ch. 415, § 3; Laws, 1986, ch. 433, § 18; Laws, 1986, ch. 492, § 9; Laws, 1987, ch. 307, § 4; Laws, 1989, ch. 585, § 6; Laws, 1990, ch. 535, § 4; Laws, 1993, ch. 549, § 1; Laws, 1993, ch. 562, § 1; Laws, 1995, ch. 515, § 1; Laws, 1995, ch. 344, § 3; Laws, 1995, ch. 426, § 2; Laws, 1996, ch. 437, § 1; Laws, 2000, ch. 370, § 4; Laws, 2000, ch. 559, § 1; Laws, 2004, ch. 408, § 2; Laws, 2004, ch. 485, § 1; Laws, 2004, ch. 563, § 1; Laws, 2005, ch. 394, § 1; Laws, 2005, ch. 540, § 2; Laws, 2006, ch. 390, § 1; Laws, 2006, ch. 417, § 14; Laws, 2007, ch. 416, § 2; Laws, 2009, ch. 317, § 1; reenacted without change, Laws, 2009, ch. 345, § 7; Laws, 2010, ch. 488, § 5; Laws, 2012, ch. 490, § 1; Laws, 2012, ch. 543, § 2; Laws, 2013, ch. 493, § 3; Laws, 2014, ch. 481, § 3, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, in (t), substituted “To enter into an energy performance contract, energy services contract” for “To contract, on” and deleted “not to exceed ten (10) years” from the end; deleted “Mississippi Code of 1972” from the end of (vv); and made minor stylistic changes.

ARTICLE 13.

SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS.

SEC.

37-7-711. Filing of petition of nomination by candidate for board of trustees; determination of election results; runoff election.

§ 37-7-711. Filing of petition of nomination by candidate for board of trustees; determination of election results; runoff election.

In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, the name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county. Where there are less than one hundred (100) qualified electors in said area represented by the trustee, it shall only be required that said petition of

nomination be signed by at least twenty percent (20%) of the qualified electors in said area. Provided, however, that in any such special municipal separate school district which embraces the entire county and which borders the Mississippi River and in which Interstate Highway 20 and United States Highway 61 intersect and having a population in excess of forty-seven thousand (47,000) according to the 1990 federal decennial census, the candidate shall be required to file a petition of nomination with the county election commissioners not less than sixty (60) days prior to the date of such general election, in addition to the other requirements prescribed herein.

The candidate in each election who receives the highest number of votes cast in the election shall be declared to have been elected.

SOURCES: Codes, 1942, § 6328-83; Laws, 1956, ch. 296, § 3; Laws, 2009, ch. 470, § 3; Laws, 2011, ch. 441, § 1; Laws, 2014, ch. 422, § 2, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, in the first paragraph, substituted “sixty (60)” for “thirty (30)” and “fifty (50)” for “one hundred fifty (150)” in the first sentence and added the second sentence.

CHAPTER 9

District Superintendents, Principals, Teachers, and Other Employees

In General	37-9-1
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IN GENERAL

Sec.	
37-9-39.	Time of payment of salaries.
37-9-59.	Grounds and procedure for dismissal or suspension of licensed employee; attendance at different school system by child as ground for denying employment or reemployment of superintendent, principal or licensed employee.
37-9-79.	Professional school counselors; qualifications; comprehensive counseling services; code of ethics.

§ 37-9-39. Time of payment of salaries.

(1) All school districts shall process a single monthly payroll for licensed employees and may process a single monthly or a semimonthly payroll for nonlicensed employees, in the discretion of the local school board, consistent with the provisions of Section 37-151-103(1), except for December, when salaries or wages shall be paid by the last working day. Salaries or wages shall be paid at a minimum on a monthly basis. The standard contract for school district employees prescribed by the State Board of Education shall provide that school district employees shall earn a salary payable in equal monthly installments beginning in the first month of employment, regardless of the number of days worked in any particular month by the employee. Any

employee failing to complete the contractual obligation of service, and who receives payment in excess of the monthly installment for the period which such employee ceases employment with the school district, shall become liable immediately to the school board of the employing district for the sum of all amounts received in payment less the corresponding amount of any compensation paid for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his or her service.

(2) Any school employee whose employment ends during a school term, regardless of the reason(s) the employment ended, shall be paid salary or wages only for that portion of the school term that employee actually worked. Nothing in this subsection (2) shall be construed to entitle any employee to payment of salary or wages when no work has been performed.

SOURCES: Codes, 1942, § 6282-14; Laws, 1953, Ex Sess, ch. 20, § 14; Laws, 1955, Ex Sess, ch. 53; Laws, 1974, ch. 455; Laws, 1986, ch. 492, § 76; Laws, 1987, ch. 307, § 13; Laws, 1990, ch. 398, § 1; Laws, 1992, ch. 524, § 5; Laws, 1997, ch. 545, § 15; Laws, 2003, ch. 546, § 3; Laws, 2012, ch. 543, § 6; Laws, 2013, ch. 566, § 1; Laws, 2014, ch. 302, § 1; Laws, 2014, ch. 420, § 2, eff from and after passage (approved March 24, 2014.)

Joint Legislative Committee Note — Section 1 of ch. 302, Laws of 2014, effective from and after passage (approved February 10, 2014), amended this section. Section 2 of ch. 420, Laws of 2014, effective from and after passage (approved March 24, 2014), also amended this section. As set out above, this section reflects the language of Section 2 of ch. 420, Laws of 2014, which contains language that specifically provides that it supersedes § 37-9-39 as amended by Chapter 302, Laws of 2014.

Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected a typographical error in an internal statutory reference in the first sentence of (1) by substituting “37-151-103(1)” for “37-157-103(1).” The Joint Committee ratified the correction at its July 24, 2014, meeting.

Amendment Notes — The first 2014 amendment (ch. 302), redesignated the former paragraph, as (1) and (2); added the last two sentences in (1); and substituted “subsection (2)” for “section” in (2).

The second 2014 amendment (ch. 420), in (1), substituted “All school districts shall process a single monthly payroll for licensed employees and may process a single monthly or a semimonthly payroll for nonlicensed employees, in the discretion of the local school board,” for “Salary or wages paid to any employee of any school shall be paid on a monthly or semimonthly basis as determined by the local school board of each school district” in the first sentence.

§ 37-9-59. Grounds and procedure for dismissal or suspension of licensed employee; attendance at different school system by child as ground for denying employment or reemployment of superintendent, principal or licensed employee.

For incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil or other good cause the superintendent of schools may dismiss or suspend any licensed employee in any school district. Before being

so dismissed or suspended any licensed employee shall be notified of the charges against him and he shall be advised that he is entitled to a public hearing upon said charges. Provided, however, that a school superintendent whose employment has been terminated under this section shall not have the right to request a hearing before the school board or a hearing officer. Provided, however, that a licensed employee in a conservator school district whose employment has been terminated under this section for good cause as determined by a conservator appointed by the State Board of Education shall not have a right to request a hearing before the school board, a hearing officer or the State Board of Education. The conservator has the right to immediately terminate a licensed employee under this section. In the event the continued presence of said employee on school premises poses a potential threat or danger to the health, safety or general welfare of the students, or, in the discretion of the superintendent, may interfere with or cause a disruption of normal school operations, the superintendent may immediately release said employee of all duties pending a hearing if one is requested by the employee. In the event a licensed employee is arrested, indicted or otherwise charged with a felony by a recognized law enforcement official, the continued presence of the licensed employee on school premises shall be deemed to constitute a disruption of normal school operations. The school board, upon a request for a hearing by the person so suspended or removed shall set a date, time and place for such hearing which shall be not sooner than five (5) days nor later than thirty (30) days from the date of the request. The procedure for such hearing shall be as prescribed for hearings before the board or hearing officer in Section 37-9-111. From the decision made at said hearing, any licensed employee shall be allowed an appeal to the chancery court in the same manner as appeals are authorized in Section 37-9-113. Any party aggrieved by action of the chancery court may appeal to the Mississippi Supreme Court as provided by law. In the event that a licensed employee is immediately relieved of duties pending a hearing, as provided in this section, said employee shall be entitled to compensation for a period up to and including the date that the initial hearing is set by the school board, in the event that there is a request for such a hearing by the employee. In the event that an employee does not request a hearing within five (5) calendar days of the date of the notice of discharge or suspension, it shall constitute a waiver of all rights by said employee and such discharge or suspension shall be effective on the date set out in the notice to the employee.

The school board of every school district in this state is hereby prohibited from denying employment or reemployment to any person as a superintendent, principal or licensed employee, as defined in Section 37-19-1, or as a noninstructional personnel, as defined in Section 37-9-1, for the single reason that any eligible child of such person does not attend the school system in which such superintendent, principal, licensed employee or noninstructional personnel is employed.

SOURCES: Codes, 1942, § 6282-26; Laws, 1953, Ex Sess, ch. 20, § 26; Laws, 1974, ch. 459; Laws, 1978, ch. 311, § 1; Laws, 1986, ch. 492, § 82; Laws, 1987, ch. 307, § 14; Laws, 1997, ch. 545, § 21; Laws, 2012, ch. 440, § 3; Laws, 2014, ch. 458, § 4, eff from and after passage (approved March 31, 2014.)

Amendment Notes — The 2014 amendment added the fourth and fifth sentences in the first paragraph.

JUDICIAL DECISIONS

1. Suspension and removal—In general.
3. —Principals.
4. —Teachers — In general.
5. — —Insubordination or other good cause.

1. Suspension and removal—In general.

3. —Principals.

Good cause supported a principal's termination because the principal knew the school could not buy a fairway mower, yet the principal executed a document purporting to give a high school coach the authority to make such a purchase on the school's behalf, which exceeded the principal's authority and enabled a serious violation of the school board's purchasing policy. *Hester v. Lowndes County Sch. Dist.*, 137 So. 3d 325 (Miss. Ct. App. 2013).

pal's authority and enabled a serious violation of the school board's purchasing policy. *Hester v. Lowndes County Sch. Dist.*, 137 So. 3d 325 (Miss. Ct. App. 2013).

4. —Teachers — In general.

5. — —Insubordination or other good cause.

Good cause existed for termination of a high school coach because he wrongfully exposed a school district to potential liability in a lease/purchase agreement for a fairway mower when he entered the agreement as a purported agent for the school. *Hester v. Lowndes County Sch. Dist.*, 137 So. 3d 325 (Miss. Ct. App. 2013).

§ 37-9-69. General duties of superintendents, principals and teachers.

JUDICIAL DECISIONS

- 2.5. Duty to protect from bullying.
4. Disorderly conduct.

2.5. Duty to protect from bullying.

Miss. Code Ann. § 37-9-69 applied to alleged ministerial acts of negligent failure to enforce school district policies, failure to respond to a student's bullying by other students, and failure to discipline those bullies, thus, Miss. Cod Ann. § 11-46-9(1)(a), (d)'s discretionary immunity did not bar those claims; finding that the alleged conduct was ministerial rather than discretionary did not remove the absolute personal immunity afforded the individual officials for actions committed within the course and scope of employment. *R.S. v. Starkville Sch. Dist.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 134264 (N.D. Miss. Sept. 19, 2013).

4. Disorderly conduct.

Trial court erred in ruling that, pursuant to Miss. Code Ann. § 11-46-9, discretionary immunity under the Mississippi Torts Claims Act, Miss. Code Ann. § 11-46-1 et seq., barred a personal injury action, because a genuine issue of material fact existed as to whether a school district breached its duty of ordinary care in performing its ministerial duty to maintain discipline and to supervise the students, when one student assaulted another student, as required by the school district's handbook.. *Swindle v. Neshoba County Sch. Dist.*, 137 So. 3d 869 (Miss. Ct. App. 2013), writ of certiorari denied by 2014 Miss. LEXIS 235 (Miss. May 8, 2014).

§ 37-9-79. Professional school counselors; qualifications; comprehensive counseling services; code of ethics.

(1) Beginning with the 2014-2015 school year, the assignment of K-12 Professional School Counselors to the particular schools within the district shall be at the discretion of the local school board with the following restrictions:

(a) No individual shall be employed as a professional school counselor without a minimum of a Master's Degree in Guidance and Counseling, or in an emergency situation, an appropriate certification as determined by the Commission on Teacher and Administrator Education, Certification and Licensure and Development; and

(b) Professional school counselors shall provide the following comprehensive counseling services:

- (i) Academic and personal/social counseling;
- (ii) Use multiple student data sources to help students make informed academic and career choices;
- (iii) Career and educational counseling;
- (iv) Individual and group counseling (large/small);
- (v) Crisis intervention and preventive counseling;
- (vi) Referrals to community agencies;
- (vii) Educational consultations and collaboration with teachers, administrators, parents and community leaders;
- (viii) Educational and career placement services;
- (ix) Follow-up counseling services;
- (x) Conflict resolution; and
- (xi) Professional school counselors must spend a minimum of eighty percent (80%) of their contractual time to the delivery of services to students as outlined by the American School Counselor Association. Delivery of services is the direct service provided to students, parents, school staff and the community which are interaction between professional school counselors and students. These direct services may include the delivery of the following:

1. School counseling core curriculum: This curriculum is designed to help students attain the desired competencies and to provide all students with the knowledge, attitudes and skills appropriate for their developmental level. The school counseling core curriculum is delivered throughout the school's overall curriculum and may be presented by professional school counselors in collaboration with other professional educators and other resources. Collaborative efforts may be implemented to enhance the services provided.

2. Individual student planning: Professional school counselors coordinate ongoing systemic activities or individual/group sessions designed to assist students in establishing personal/social goals and developing future career plans.

3. Responsive services: Responsive services are designed to meet students' immediate needs and concerns in regard to social/personal

issues. Responsive services may include counseling in individual, small-group settings, or crisis responses.

4. Indirect Student Services: Indirect services are provided on behalf of students as a result of the school counselors' interactions with others including referrals for additional assistance, consultation and collaboration with parents, teachers, other educators and community organizations.

(2) Professional school counselors shall abide by the American School Counselor Association Code of Ethics.

(3) The State Department of Education may adopt regulations regarding the activities of the professional school counselor as are not inconsistent with this section.

SOURCES: Laws, 2002, ch. 591, § 1; Laws, 2014, ch. 320, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “professional school counselors” for “school guidance counselors” throughout the section; in (1), substituted “2014-2015” for “2002-2003,” rewrote (1)(b)(ii), which read: “Student assessment and assessment counseling,” and rewrote (1)(b)(xi), which read: “Other counseling duties or other duties as assigned by the school principal.”

EDUCATION EMPLOYMENT PROCEDURES LAW

§ 37-9-111. Hearing.

JUDICIAL DECISIONS

7. Miscellaneous.

Since a teacher only filed complaints for original actions, and since the chancery court possessed only appellate jurisdiction, then the chancery court lacked subject-matter jurisdiction; the teacher failed

to file her appeal of the school board's decision in chancery court in accordance with statutory requirements. *Lacour v. Claiborne County Sch. Dist.*, 119 So. 3d 1128 (Miss. Ct. App. 2013).

§ 37-9-113. Judicial review.

JUDICIAL DECISIONS

2. Scope of appeal; jurisdiction.

Since a teacher only filed complaints for original actions, and since the chancery court possessed only appellate jurisdiction, then the chancery court lacked subject-matter jurisdiction; the teacher failed to file her appeal of the school board's decision in chancery court in accordance with statutory requirements. *Lacour v. Claiborne County Sch. Dist.*, 119 So. 3d 1128 (Miss. Ct. App. 2013).

Chancery court properly concluded that a teacher's claim for relief was barred by the statute of limitations; since the teacher failed to properly perfect in chancery court an appeal of the school district's decision affirming her termination, and since she failed to obtain federal ancillary jurisdiction over her state-law claim, then no tolling of the statute of limitations occurred with respect to that state-law right of appeal. *Lacour v. Claiborne*

County Sch. Dist., 119 So. 3d 1128 (Miss. Ct. App. 2013).

Chancery court correctly determined that it lacked subject matter jurisdiction because the teacher failed to file her appeal of the school board's decision affirming her termination in accordance with statutory requirements; failure to properly perfect the appeal barred the chancery court's jurisdiction. *Lacour v. Claiborne County Sch. Dist.*, 119 So. 3d 1128 (Miss. Ct. App. 2013).

School board's decision not to renew the employment contract of a former em-

ployee was appropriate because the decision was not arbitrary or capricious in that substantial evidence supported the board's decision to eliminate the employee's position as personnel director, and the plain language of the reduction in force policy provided no requirement to offer the employee some other administrative or instructional position. *Carter v. Cleveland Sch. Dist.*, 118 So. 3d 673 (Miss. Ct. App. 2013).

CHAPTER 11

General Provisions Pertaining to Education

SEC.

37-11-51.

Documents exempt from Public Records Act.

37-11-71.

Mississippi Asthma and Anaphylaxis Child Safety Act; legislative findings and declarations; self-administration of asthma and anaphylaxis medication; policy regarding administration of auto-injectable epinephrine by authorized school personnel; school district requirements relating to children with asthma.

§ 37-11-51. Documents exempt from Public Records Act.

(1) Test questions and answers in the possession of a public body, as defined by paragraph (a) of Section 25-61-3, which are to be used in future academic examinations, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(2) Letters of recommendation in the possession of a public body, as defined by paragraph (a) of Section 25-61-3, respecting admission to any educational agency or institution, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(3)(a) Except as provided in paragraph (b) of this subsection, documents, records, papers, data, protocols, information or materials in the possession of a community college or state institution of higher learning that are created, collected, developed, generated, ascertained or discovered during the course of academic research, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(b) The exemption under paragraph (a) of this subsection shall not apply to a public record that has been published, copyrighted, trademarked or patented.

(4) Unpublished manuscripts, preliminary analyses, drafts of scientific or academic papers, plans or proposals for future research and prepublication peer reviews in the possession of a community college or state institution of higher learning, or submitted and accepted for publication by publishers shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(5) Nothing in this section shall otherwise create a public record right over, or shall impede or infringe upon, the copyright in any work.

SOURCES: Laws, 1983, ch. 424, § 16; Laws, 2014, ch. 409, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment added (3), (4), and (5).

§ 37-11-71. Mississippi Asthma and Anaphylaxis Child Safety Act; legislative findings and declarations; self-administration of asthma and anaphylaxis medication; policy regarding administration of auto-injectable epinephrine by authorized school personnel; school district requirements relating to children with asthma.

(1) This section shall be known and may be cited as the “Mississippi Asthma and Anaphylaxis Child Safety Act.”

(2) The Legislature finds:

(a) That anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death. Common triggers of anaphylaxis include food, insect bites, certain medications, and latex, with food being the most common trigger in children. Forty percent (40%) to fifty percent (50%) of those diagnosed with a food allergy are judged to have a high risk of anaphylaxis, and children with an undiagnosed food allergy may experience a first reaction at school. In addition, children with asthma are more at risk for anaphylaxis. Over ten percent (10%) of Mississippi children ages zero (0) through seventeen (17) years are living with asthma.

(b) That epinephrine is the primary treatment for anaphylaxis with no absolute contraindication to its use for a life-threatening reaction. The National Institute of Allergy and Infectious Diseases recommends that epinephrine be given promptly to treat anaphylaxis because delays in the administration of epinephrine can result in rapid decline and death. The American Academy of Allergy, Asthma and Immunology recommends that epinephrine injectors should be included in all emergency medical treatment kits in schools. The American Academy of Pediatrics recommends that anaphylaxis medications should be kept in each school and made available to trained staff for administration in an emergency.

(c) Therefore, the Legislature declares it is the intent of this section to protect the health and life of children in their school environment through the use of protocols and standing orders for the emergency treatment of asthma, anaphylaxis, and all other life-threatening diseases.

(3) The school board of each local public school district and the governing body of each private and parochial school or school district shall permit the self-administration of asthma and anaphylaxis medication pursuant to the requirements of this section.

(4) As used in this section:

(a) “Parent” means parent or legal guardian.

(b) “Auto-injectable epinephrine” means a medical device for the immediate administration of epinephrine to a person at risk for anaphylaxis.

(c) “Asthma and anaphylaxis medication” means inhaled bronchodilator and auto-injectable epinephrine.

(d) “Self-administration of prescription asthma and/or anaphylaxis medication” means a student’s discretionary use of prescription asthma and/or anaphylaxis medication.

(5) A student with asthma and/or anaphylaxis is entitled to possess and self-administer prescription asthma and/or anaphylaxis medication while on school property, on school-provided transportation, or at a school-related event or activity if:

(a) The prescription asthma and/or anaphylaxis medication has been prescribed for that student as indicated by the prescription label on the medication;

(b) The self-administration is done in compliance with the prescription or written instructions from the student’s physician or other licensed health care provider; and

(c) A parent of the student provides to the school:

(i) Written authorization, signed by the parent, for the student to self-administer prescription asthma and/or anaphylaxis medication while on school property or at a school-related event or activity;

(ii) A written statement, signed by the parent, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student’s self-administration of prescription asthma and/or anaphylaxis medication while on school property or at a school-related event or activity unless in cases of wanton or willful misconduct;

(iii) A written statement from the student’s physician or other licensed health care provider, signed by the physician or provider, that states:

1. That the student has asthma and/or anaphylaxis and is capable of self-administering the prescription asthma and/or anaphylaxis medication;

2. The name and purpose of the medication;

3. The prescribed dosage for the medication;

4. The times at which or circumstances under which the medication may be administered; and

5. The period for which the medication is prescribed.

(6) The physician’s statement must be kept on file in the office of the school nurse of the school the student attends or, if there is not a school nurse, in the office of the principal of the school the student attends.

(7) If a student uses his/her medication in a manner other than prescribed, he/she may be subject to disciplinary action under the school codes. The disciplinary action shall not limit or restrict the student’s immediate access to the medication.

(8) The school board of each local public school district and the governing body of each private and parochial school or school district shall adopt a policy

authorizing a school nurse or trained school employee to administer auto-injectable epinephrine to a student who the school nurse or trained school employee, in good faith, believes is having an anaphylactic reaction, whether or not the student has a prescription for epinephrine.

(9) Each public, private and parochial school may maintain a supply of auto-injectable epinephrine at the school in a locked, secure, and easily accessible location. A licensed physician, including, but not limited to, Mississippi State Department of Health District Health Officers, may prescribe epinephrine auto-injectors in the name of the school system or the individual school to be maintained for use when deemed necessary under the provisions of this section.

(10) Each public, private and parochial school that maintains a supply of auto-injectable epinephrine at the school shall require at least one (1) employee at each school to receive training from a registered nurse or a licensed medical physician in the administration of auto-injectable epinephrine.

(11) The State Department of Education shall require each public school district to take the following actions relating to the management of asthma in the school setting:

(a) Require that each child with asthma have a current school asthma plan (SAP) on file at the child's school for use by the school nurse, teachers and staff. Parents and guardians of a child with asthma are to have the child's SAP developed and signed by the child's health care provider. The SAP should include the child's name, date, school, age, physician's signature, parent's signature, instructions to the school if coughing or wheezing, and indicate dosage and delivery method details. If pre-medication is required, the SAP shall indicate dosage and delivery method details. The SAP will recommend whether the student administers his or her own medication or that school personnel may administer medication. The SAP must be updated annually.

(b) Adopt an emergency protocol that includes instructions for all school staff to follow in case of a major medical emergency for asthma and all other life-threatening diseases.

(c) Fully implement subsections (3) through (7) of this section, , which authorizes the self-administration of asthma medication at school by students.

(d) Provide comprehensive, in-service training on asthma for teachers, school nurses, and other staff appointed by school administration. The training should include instruction on the use of school asthma plans (SAPs), the requirements of this section, emergency protocols for asthma and policies in effect in that school relating to asthma.

(e) Require school nurses to attend certified asthma educators training. The cost of the training required for school nurses shall be paid by the American Lung Association.

(f) Require local school health councils to conduct a school health needs assessment that addresses and supports the implementation of the following: healthy school environment, physical activity, staff wellness, counseling/

psychological services, nutrition services, family/community involvement, health education and health services. The results of the assessment must be used in the development of long-range maintenance plans that include specific indoor air quality components for each school building.

(g) Require local school health councils to adopt and support the implementation of a local school wellness policy that includes minimizing children's exposure to dust, gases, fumes and other pollutants that can aggravate asthma in the school setting. The policy must require the air quality and ventilation systems of schools to be assessed annually, which assessment may be accomplished with the Environmental Protection Agency's Tools for Schools Indoor Air Quality Checklist. The policy also must minimize the use of hazardous substances such as, but not limited to, chemical cleaning products and pesticides in and around school buildings during the hours that children are present at school. The policy must require all school construction projects to implement containment procedures for dusts, gases, fumes and other pollutants that trigger asthma.

(h) Implement an integrated pest management program that includes procedural guidelines for pesticide application, education of building occupants and inspection and monitoring of pesticide applications. The integrated pest management program may limit the frequency, duration and volume of pesticide application on school grounds.

(i) Require school bus operators to minimize the idling of school bus engines to prevent exposure of children and adults to diesel exhaust fumes.

(j) Allow schools and school districts, with a valid prescription, to accept donated auto-injectable epinephrine from public or private entities, and seek and apply for grants to obtain funding for purchasing auto-injectable epinephrine.

SOURCES: Laws, 2010, ch. 512, § 2; Laws, 2014, ch. 464, § 1, eff from and after July 1, 2014.

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected statutory reference errors. In (11)(c), a reference to repealed section 41-79-31 was changed to read "subsections (3) through (7) of this section" and in (11)(d) it was changed to "this section." The Joint Committee ratified the corrections at its July 24, 2014, meeting.

Amendment Notes — The 2014 amendment added (1) through (10) and redesignated former (1) as (11); in (11)(a), substituted "Require" for "Recommend," at the beginning and deleted "for the 2010-2011 school year, and require that each child with asthma have a current AAP on file at the child's school for the 2011-2012 school year and each school year thereafter," following "on file at the child's school"; rewrote the third sentence, which read "The AAP should include the child's asthma severity classification, current asthma medication and emergency contact information" and added the fourth sentence; in (11)(d); substituted "school nurses, and other staff appointed by school administration" for "assistant teachers, school nurses, administrators, and operations, maintenance and support staff"; in (11)(f), deleted the last two sentences, which read "The long-range maintenance plans must be included in the local school wellness policy. The long-range plans must be completed before January 1, 2012."; in (11)(g), substituted "minimize" for "prohibit" near the beginning of the second

sentence and deleted “not later than July 1, 2012,” following “implement containment procedures” near the end of the last sentence; rewrote (11)(j), which read, “Require coaches and physical education teachers to participate in the American Lung Association Coaches Care/Asthma 101 training by the 2011-2012 school year, subject to funding by the school district.”; and deleted (2), which read “This section shall stand repealed on July 1, 2014.”

CHAPTER 13

Curriculum; School Year and Attendance

School Year and Attendance	37-13-61
Mississippi Compulsory School Attendance Law	37-13-80
Comprehensive School Health Education Program	37-13-131

SCHOOL YEAR AND ATTENDANCE

SEC.

37-13-62.	Repealed.
37-13-67.	Length of school day.

§ 37-13-62. Repealed.

Repealed by Laws of 2014, ch. 442, § 9, effective March 26, 2014.

§ 37-13-62. [Laws, 2012, ch. 511, § 1, eff from and after July 1, 2012.]

Editor’s Note — Former § 37-13-62 required that all public schools begin the school year on or after the third Monday in August.

§ 37-13-67. Length of school day.

The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours.

SOURCES: Codes, 1942, § 6274-12; Laws, 1953, Ex Sess, ch. 16, § 12; Laws, 2006, ch. 417, § 11; reenacted without change, Laws, 2009, ch. 345, § 12; Laws, 2014, ch. 442, § 1, eff from and after passage (approved March 26, 2014.)

Amendment Notes — The 2014 amendment substituted “five and one-half (5-½)” for “five (5)” at the end.

MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW

SEC.

37-13-80.	Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; local school district responsibilities; dropout prevention plan to address student transition to home school districts; legislative intent.
37-13-80.1.	Middle school dropout prevention and recovery pilot program; minimum necessary requirements of pilot program; development and implementation of alternative student performance accountability method to evaluate pilot program school districts.

- 37-13-89. School attendance officers; qualifications; duties; salaries.
- 37-13-91. Compulsory school attendance requirements generally; enforcement of law.
- 37-13-92. Alternative school program for compulsory-school-age students; placement of children in alternative school; transportation of students; expenses; annual report.

§ 37-13-80. Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; local school district responsibilities; dropout prevention plan to address student transition to home school districts; legislative intent.

(1) There is created the Office of Dropout Prevention within the State Department of Education. The office shall be responsible for the administration of a statewide dropout prevention program.

(2) The State Superintendent of Public Education shall appoint a director for the Office of Dropout Prevention, who shall meet all qualifications established by the State Superintendent of Public Education and the State Personnel Board. The director shall be responsible for the proper administration of the Office of Dropout Prevention and any other regulations or policies that may be adopted by the State Board of Education. However, if for any reason within the two-year period beginning July 1, 2014, a new director for the Office of Dropout Prevention is employed by the department, the employment of such individual shall not be subject to the rules and regulations of the State Personnel Board, except as otherwise provided in Section 25-9-127(4).

(3) Each school district shall implement a dropout prevention program approved by the Office of Dropout Prevention of the State Department of Education by the 2012-2013, and annually thereafter, school year.

(4) Each local school district will be held responsible for reducing and/or eliminating dropouts in the district. The local school district will be responsible for the implementation of dropout plans focusing on issues such as, but not limited to:

(a) Dropout Prevention initiatives that focus on the needs of individual local education agencies;

(b) Establishing policies and procedures that meet the needs of the districts;

(c) Focusing on the student-centered goals and objectives that are measurable;

(d) Strong emphasis on reducing the retention rates in grades kindergarten, first and second;

(e) Targeting subgroups that need additional assistance to meet graduation requirements; and

(f) Dropout recovery initiatives that focus on students age seventeen (17) through twenty-one (21), who dropped out of school.

(5) The Office of Dropout Prevention may provide technical assistance upon written request by the local school district. The Office of Dropout

Prevention will collaborate with program offices within the Mississippi Department of Education to develop and implement policies and initiatives to reduce the state's dropout rate.

(6) Each school district's dropout prevention plan shall address how students will transition to the home school district from the juvenile detention centers.

(7) It is the intent of the Legislature that, through the statewide dropout prevention program and the dropout prevention programs implemented by each school district, the graduation rate for cohort classes will be increased to not less than eighty-five percent (85%) by the 2018-2019 school year. The Office of Dropout Prevention shall establish graduation rate benchmarks for each two-year period from the 2008-2009 school year through the 2018-2019 school year, which shall serve as guidelines for increasing the graduation rate for cohort classes on a systematic basis to eighty-five percent (85%) by the 2018-2019 school year.

SOURCES: Laws, 2006, ch. 504, § 6; Laws, 2007, ch. 568, § 3; reenacted without change, Laws, 2009, ch. 345, § 14; Laws, 2011, ch. 442, § 12; Laws, 2012, ch. 461, § 1; Laws, 2014, ch. 491, § 6, eff from and after passage (approved April 15, 2014.)

Amendment Notes — The 2014 amendment added the last sentence in (2).

§ 37-13-80.1. Middle school dropout prevention and recovery pilot program; minimum necessary requirements of pilot program; development and implementation of alternative student performance accountability method to evaluate pilot program school districts.

(1) The State Board of Education shall implement a Middle School Dropout Prevention and Recovery Pilot Program in select "D" and "F" rated school districts selected by the State Board of Education. The purpose of the pilot program is to reengage students and increase the graduation rates in Mississippi through an educational program that provides vocational technology, flexible scheduling and a blended learning environment with individualized and self-paced learning options.

(2) Under the pilot program, the educational services and programming shall be provided by an education partner that is a nonprofit or for-profit entity approved by the State Board of Education. The local school board of the districts selected to participate in the pilot program shall be responsible for reporting enrollment to the State Department of Education, working with the education partner to align graduation requirements. The participating schools district shall be accredited by the Southern Association of Colleges and Schools as an indicator of quality instructional programming.

(3) The pilot program shall provide at least the following:

- (a) Facilities that are easily accessible to the students being served;
- (b) Flexible scheduling, including at least two (2) different program schedules;

(c) Differentiated instruction that shall include individualized, group and online instructional components;

(d) The capacity for assessing, recording and responding to the students' academic progress on a daily basis using assessments that are aligned with state and local standards and requirements;

(e) A focus on serving a defined population of at-risk students who have dropped out or are likely to drop out of school in the foreseeable future without some type of intervention;

(f) Support services, including social workers and crisis intervention professionals who are trained to assist students in removing barriers to attending school and graduating;

(g) Vocational technology and other instructional models that are self-paced and mastery-based; and

(h) Individualized graduation plans to guide students to graduation with a standard high school diploma.

(4) Before the State Board of Education approves an applicant as an education partner, the applicant must demonstrate the following:

(a) A history providing dropout recovery services to high school students in public schools;

(b) At least two (2) years of relevant experience operating and providing services to brick-and-mortar public schools;

(c) At least two (2) years of relevant experience providing comprehensive online learning or vocational technology programs;

(d) Relevant experience serving diverse student populations, including socioeconomically disadvantaged students;

(e) An explanation of the steps taken by the applicant to ensure that its proposed instructional content is aligned with state standards;

(f) A plan for the recruitment and hiring of state-certified teachers, including hiring criteria;

(g) A plan for the recruitment and hiring of qualified administrators, including hiring criteria;

(h) A detailed description of the applicant's plan to work with the participating local school districts and the State Board of Education to identify students who need to be served, to reengage those students, and to provide alternative education options for students at risk of dropping out. Students at risk of dropping out from their current schools may be transferred into the pilot program; and

(i) An operational plan that includes the following:

(i) The number and physical location of proposed sites and a list of the equipment required;

(ii) A proposed program calendar and daily schedule and an explanation of how the calendar and schedule meet the needs of prospective students. The schedule must include at least four (4) hours per school day of on-site learning at a physical location;

(iii) The student-to-teacher ratio;

(iv) A description of each of the instructional methods to be used and number of hours per day for each method;

- (v) A plan for differentiated instruction that must include individualized, group, and online instructional components;
- (vi) Capacity for assessing, recording, and responding to students' academic progress on a daily basis using standard assessments;
- (vii) A detailed one-year budget;
- (viii) A system of competency-based credit; and
- (ix) A plan for aggregation and reporting of student performance data and reporting of financial activity.

(5)(a) The State Board of Education shall develop and implement an alternative student performance accountability method to evaluate the performance and effectiveness of pilot program school districts that solely provide dropout prevention services and dropout recovery programs to at-risk students who have dropped out of or are likely to drop out of their base high school. Data and student results collected and compiled from the pilot program districts shall inform the State Board of Education in developing an alternative accountability method to apply statewide and in evaluating the success of the pilot program as a whole.

(b) The alternative accountability method shall only measure academic growth of students who have been continuously enrolled for a period of one hundred twenty (120) days. Students shall be assessed by pre-testing and post-testing at the beginning and end of the one hundred twenty-day enrollment period to measure student growth and shall apply beginning with the 2014-2015 school year.

SOURCES: Laws, 2014, ch. 536, § 4, eff from and after July 1, 2014.

§ 37-13-89. School attendance officers; qualifications; duties; salaries.

(1) In each school district within the state, there shall be employed the number of school attendance officers determined by the Office of Compulsory School Attendance Enforcement to be necessary to adequately enforce the provisions of the Mississippi Compulsory School Attendance Law; however, this number shall not exceed one hundred fifty-three (153) school attendance officers at any time. From and after July 1, 1998, all school attendance officers employed pursuant to this section shall be employees of the State Department of Education. The State Department of Education shall employ all persons employed as school attendance officers by district attorneys before July 1, 1998, and shall assign them to school attendance responsibilities in the school district in which they were employed before July 1, 1998. The first twelve (12) months of employment for each school attendance officer shall be the probationary period of state service.

(2)(a) The State Department of Education shall obtain current criminal records background checks and current child abuse registry checks on all persons applying for the position of school attendance officer after July 2, 2002. The criminal records information and registry checks must be kept on file for any new hires. In order to determine an applicant's suitability for

employment as a school attendance officer, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check. The applicant shall pay the fee, not to exceed Fifty Dollars (\$50.00), for the fingerprinting and criminal records background check; however, the State Department of Education, in its discretion, may pay the fee for the fingerprinting and criminal records background check on behalf of any applicant. Under no circumstances may a member of the State Board of Education, employee of the State Department of Education or any person other than the subject of the criminal records background check disseminate information received through any such checks except insofar as required to fulfill the purposes of this subsection.

(b) If the fingerprinting or criminal records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the applicant is not eligible to be employed as a school attendance officer. Any employment of an applicant pending the results of the fingerprinting and criminal records check is voidable if the new hire receives a disqualifying criminal records check. However, the State Board of Education, in its discretion, may allow an applicant aggrieved by an employment decision under this subsection to appear before the board, or before a hearing officer designated for that purpose, to show mitigating circumstances that may exist and allow the new hire to be employed as a school attendance officer. The State Board of Education may grant waivers for mitigating circumstances, which may include, but are not necessarily limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

(c) A member of the State Board of Education or employee of the State Department of Education may not be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may be established by the State Personnel Board for the position of school attendance officer.

(4) It shall be the duty of each school attendance officer to:

(a) Cooperate with any public agency to locate and identify all compulsory-school-age children who are not attending school;

(b) Cooperate with all courts of competent jurisdiction;

(c) Investigate all cases of nonattendance and unlawful absences by compulsory-school-age children not enrolled in a nonpublic school;

(d) Provide appropriate counseling to encourage all school-age children to attend school until they have completed high school;

(e) Attempt to secure the provision of social or welfare services that may be required to enable any child to attend school;

(f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the officer shall notify the parents and school officials as to where the child was physically located;

(g) Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;

(h) Collect and maintain information concerning absenteeism, dropouts and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement; and

(i) Perform all other duties relating to compulsory school attendance established by the State Department of Education or district school attendance supervisor, or both.

(5) While engaged in the performance of his duties, each school attendance officer shall carry on his person a badge identifying him as a school attendance officer under the Office of Compulsory School Attendance Enforcement of the State Department of Education and an identification card designed by the State Superintendent of Public Education and issued by the school attendance officer supervisor. Neither the badge nor the identification card shall bear the name of any elected public official.

(6) The State Personnel Board shall develop a salary scale for school attendance officers as part of the variable compensation plan. The various pay ranges of the salary scale shall be based upon factors including, but not limited to, education, professional certification and licensure, and number of years of experience. School attendance officers shall be paid in accordance with this salary scale. The minimum salaries under the scale shall be no less than the following:

(a) For school attendance officers holding a bachelor's degree or any other attendance officer who does not hold such a degree, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience	Salary
0-4 years	\$19,650.00
5-8 years	21,550.00
9-12 years	23,070.00
13-16 years	24,590.00
Over 17 years	26,110.00

(b) For school attendance officers holding a license as a social worker, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience	Salary
0-4 years	\$20,650.00
5-8 years	22,950.00
9-12 years	24,790.00
13-16 years	26,630.00
17-20 years	28,470.00
Over 21 years	30,310.00

(c) For school attendance officers holding a master's degree in a behavioral science or a related field, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience	Salary
0-4 years	\$21,450.00
5-8 years	24,000.00
9-12 years	26,040.00
13-16 years	28,080.00
17-20 years	30,120.00
Over 21 years	32,160.00

(7)(a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third ($\frac{1}{3}$) of the maximum personal leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-93 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half ($\frac{1}{2}$) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-95 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department

of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under Sections 25-3-93 and 25-3-95.

(b) For the purpose of determining the accrual rate for personal leave under Section 25-3-93 and major medical leave under Section 25-3-95, the State Department of Education shall give consideration to all continuous service rendered by a school attendance officer before July 1, 1998, in addition to the service rendered by the school attendance officer as an employee of the department.

(c) In order for a school attendance officer to be awarded credit for personal leave and major medical leave or to retain the actual unused personal leave and major medical leave accumulated by him before July 1, 1998, the district attorney who employed the school attendance officer must certify, in writing, to the State Department of Education the hire date of the school attendance officer. For each school attendance officer employed by the youth or family court or a state agency before being designated an employee of the district attorney who has not had a break in continuous service, the hire date shall be the date that the school attendance officer was hired by the youth or family court or state agency. The department shall prescribe the date by which the certification must be received by the department and shall provide written notice to all district attorneys of the certification requirement and the date by which the certification must be received.

(8)(a) School attendance officers shall maintain regular office hours on a year-round basis; however, during the school term, on those days that teachers in all of the school districts served by a school attendance officer are not required to report to work, the school attendance officer also shall not be required to report to work. (For purposes of this subsection, a school district's school term is that period of time identified as the school term in contracts entered into by the district with licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.

(b) The State Department of Education annually shall designate a period of six (6) consecutive weeks in the summer between school years

during which school attendance officers shall not be required to report to work. A school attendance officer who elects to work at any time during that period may not be awarded compensatory leave for such work and may not opt to be absent from work at any time other than during the six (6) weeks designated by the department unless the school attendance officer uses personal leave or major medical leave accrued under Section 25-3-93 or 25-3-95 for such absence.

(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

SOURCES: Laws, 1998, ch. 566, § 5; Laws, 1999, ch. 529, § 1; reenacted and amended, Laws, 2002, ch. 576, § 1; reenacted without change, Laws, 2002, ch. 610, § 5; reenacted without change, Laws, 2004, ch. 552, § 5; reenacted without change, Laws, 2009, ch. 345, § 19; Laws, 2014, ch. 491, § 8, eff from and after passage (approved April 15, 2014.)

Amendment Notes — The 2014 amendment substituted “six (6)” for “two (2)” twice in (8)(b).

§ 37-13-91. Compulsory school attendance requirements generally; enforcement of law.

(1) This section shall be referred to as the “Mississippi Compulsory School Attendance Law.”

(2) The following terms as used in this section are defined as follows:

(a) “Parent” means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) “Guardian” means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) “Custodian” means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) “School day” means not less than five and one-half (5-½) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) “School” means any public school, including a charter school, in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the “nonpublic” school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) “Compulsory-school-age child” means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program.

(g) “School attendance officer” means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) “Appropriate school official” means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) “Nonpublic school” means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any charter school or nonpublic school, or the appropriate school official for any or all children attending a charter school or nonpublic school shall complete a “certificate of enrollment” in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;

(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and

(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a charter school or nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the

event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An “unlawful absence” is an absence for an entire school day or during part of a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. For purposes of reporting absenteeism under subsection (6) of this section, if a compulsory-school-age child has an absence that is more than thirty-seven percent (37%) of the instructional day, as fixed by the school board for the school at which the compulsory-school-age child is enrolled, the child must be considered absent the entire school day. Days missed from school due to disciplinary suspension shall not be considered an “excused” absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a noncharter public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child’s attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child’s parents adheres, requires or suggests the

observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's non-attendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

SOURCES: Laws, 1977, ch. 483, § 1; Laws, 1982, Ex Sess, ch. 17, § 21; Laws, 1987, ch. 460; Laws, 1991, ch. 308, § 1; Laws, 1991, ch. 539, § 2; Laws, 1992, ch. 516, § 1; Laws, 1992, ch. 524, § 8; Laws, 1993, ch. 543, § 3; Laws, 1994, ch. 604, § 1; Laws, 1995, ch. 570, § 1; Laws, 1998, ch. 566, § 6; Laws, 2000, ch. 397, § 1; Laws, 2003, ch. 397, § 1; Laws, 2009, ch. 526, § 1; Laws, 2013, ch. 495, § 12; Laws, 2013, ch. 497, § 60; Laws, 2013, ch. 559, § 1; Laws, 2013, ch. 562, § 1; Laws, 2014, ch. 442, § 2; Laws, 2014, ch. 491, § 9, eff from and after passage (approved April 15, 2014.)

Joint Legislative Committee Note — Section 2 of ch. 442, Laws of 2014, effective from and after passage (approved March 26, 2014), amended this section. Section 9 of ch. 491, Laws of 2014, effective from and after passage (approved April 15, 2014), also amended this section. As set out above, this section reflects the language of Section 9 of ch. 491, Laws of 2014, which contains language that specifically provides that it supersedes § 37-13-91 as amended by Chapter 442, Laws of 2014.

Amendment Notes — The first 2014 amendment (ch. 442), substituted “five and one-half (5-½)” for “five (5)” in (2)(d); and “August” for “September” three times in (2)(f).

The second 2014 amendment (ch. 491), substituted “September” for “August” in three places in (2)(f).

§ 37-13-92. Alternative school program for compulsory-school-age students; placement of children in alternative school; transportation of students; expenses; annual report.

[Effective until July 1, 2015, this section shall read as follows:]

(1) Beginning with the school year 2004-2005, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program or behavior modification program as defined by the State Board of Education for, but not limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;

(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

(c) Any compulsory-school-age child referred to such alternative school program by the dispositive order of a chancellor or youth court judge, with the consent of the superintendent of the child’s school district;

(d) Any compulsory-school-age child whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the interest and welfare of the students and teachers of such class as a whole; and

(e) No school district is required to place a child returning from out-of-home placement in the mental health, juvenile justice or foster care system in alternative school. Placement of a child in the alternative school shall be done consistently, and for students identified under the Individuals

with Disabilities Education Act (IDEA), shall adhere to the requirements of the Individuals with Disabilities Education Improvement Act of 2004. If a school district chooses to place a child in alternative school the district will make an individual assessment and evaluation of that child in the following time periods:

(i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services;

(ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and

(iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:

1. A strength needs assessment.

2. A determination of the child's academic strengths and deficiencies.

3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

(b) The duration of alternative placement; and

(c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.

(4) A school district, in its discretion, may provide a program of High School Equivalency Diploma preparatory instruction in the alternative school program. However, any High School Equivalency Diploma preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the Mississippi Community

College Board. The school district may administer the High School Equivalency Diploma Testing Program under the policies and guidelines of the Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(5) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

(6) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program. Transportation for students attending the alternative school program shall be the responsibility of the local school district. The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive High School Equivalency Diploma preparatory instruction, that the local school board assign the student to a High School Equivalency Diploma preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and High School Equivalency Diploma placement;

(b) Clear and consistent goals for students and parents;

(c) Curricula addressing cultural and learning style differences;

(d) Direct supervision of all activities on a closed campus;

(e) Attendance requirements that allow for educational and workforce development opportunities;

(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;

(g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;

(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;

(j) Administrative and community support for the program; and

(k) Clear procedures for annual alternative school program review and evaluation.

(8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.

(9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.

(10) The State Board of Education shall promulgate guidelines for alternative school programs which provide broad authority to school boards of local school districts to establish alternative education programs to meet the specific needs of the school district.

(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7)(a) through (j). The Mississippi Department of Education shall sanction each district which fails to file the mandatory annual report. Each district shall pay a penalty for each day each student is enrolled in the alternative school past the report deadline at the rate the school receives in federal funding for the child's enrollment/attendance in the district.

[From and after July 1, 2015, this section shall read as follows:]

(1) Beginning with the school year 2004-2005, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program or behavior modification program as defined by the State Board of Education for, but not limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;

(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

(c) Any compulsory-school-age child referred to such alternative school program by the dispositive order of a chancellor or youth court judge, with the consent of the superintendent of the child's school district;

(d) Any compulsory-school-age child whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the interest and welfare of the students and teachers of such class as a whole; and

(e) No school district is required to place a child returning from out-of-home placement in the mental health, juvenile justice or foster care

system in alternative school. Placement of a child in the alternative school shall be done consistently, and for students identified under the Individuals with Disabilities Education Act (IDEA), shall adhere to the requirements of the Individuals with Disabilities Education Improvement Act of 2004. If a school district chooses to place a child in alternative school the district will make an individual assessment and evaluation of that child in the following time periods:

(i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services;

(ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and

(iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:

1. A strength needs assessment.

2. A determination of the child's academic strengths and deficiencies.

3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

(b) The duration of alternative placement; and

(c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.

(4) A school district, in its discretion, may provide a program of High School Equivalency Diploma preparatory instruction in the alternative school program. However, any High School Equivalency Diploma preparation program offered in an alternative school program must be administered in

compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the Mississippi Community College Board. The school district may administer the High School Equivalency Diploma Testing Program under the policies and guidelines of the Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(5) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

(6) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program. Transportation for students attending the alternative school program shall be the responsibility of the local school district. The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive High School Equivalency Diploma preparatory instruction, that the local school board assign the student to a High School Equivalency Diploma preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and High School Equivalency Diploma placement;

(b) Clear and consistent goals for students and parents;

(c) Curricula addressing cultural and learning style differences;

(d) Direct supervision of all activities on a closed campus;

(e) Attendance requirements that allow for educational and workforce development opportunities;

(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;

(g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;

(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;

(j) Administrative and community support for the program; and

(k) Clear procedures for annual alternative school program review and evaluation.

(8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.

(9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.

(10) The State Board of Education shall promulgate guidelines for alternative school programs which provide broad authority to school boards of local school districts to establish alternative education programs to meet the specific needs of the school district.

(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7) (a) through (j). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

SOURCES: Laws, 1991, ch. 539, § 6; Laws, 1992, ch. 524, § 9; Laws, 1994, ch. 555, § 1; Laws, 1994, ch. 607, § 12; Laws, 1995, ch. 610, § 1; Laws, 1997, ch. 604, § 1; Laws, 2000, ch. 559, § 3; Laws, 2004, ch. 563, § 3; Laws, 2007, ch. 326, § 1; Laws, 2009, ch. 511, § 1; Laws, 2011, ch. 424, § 1; Laws, 2014, ch. 397, § 16; Laws, 2014, ch. 398, § 2; Laws, 2014, ch. 442, § 5; Laws, 2014, ch. 490, § 1, eff from and after July 1, 2015.

Joint Legislative Committee Note — Section 16 of ch. 397, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014), amended this section. Section 2 of ch. 398, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014), Section 5 of ch. 442, Laws of 2014, effective from and after passage (approved March 26, 2014), and Section 1 of ch. 490, Laws of 2014, effective from and after July 1, 2015 (approved April 15, 2014), also amended this section. As set out above, this section reflects the language of all amendments pursuant to Section 1-1-109 which gives the Joint Legislative Committee on Compilation, Revision, and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision, and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at the July 24, 2014, meeting of the Committee.

Amendment Notes — The first 2014 amendment (ch. 397), effective July 1, 2014, in (1)(e)(i), deleted “custody” following “Division of Youth and Family Services”; and in (4), substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges.”

The second 2014 amendment (ch. 398), effective July 1, 2014, in (1)(e)(i), deleted “custody” following “Division of Youth and Family Services”; in (4), substituted “High School Equivalency Diploma” for “general educational development (GED)” twice and for “GED” once, substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” and deleted “GED” preceding “Testing Services”; ; in (7) and (7)(a), substituted “High School Equivalency Diploma” for “general educational development (GED)” or “GED.”

The third 2014 amendment (ch. 442), effective March 26, 2014, deleted “custody” from the end of (1)(e)(i); in (11), substituted and deleted “GED” preceding “Testing Services”; “by July 31 of each calendar year” for “annually” in the first sentence and added last two sentences in the first version of the section.

The fourth 2014 amendment (ch. 490), effective July 1, 2015, in the second version of the section, deleted “custody” following “and deleted “GED” preceding “Testing Services”; “division of Youth and Family Services” from the end of (1)(e)(i); and in (11), substituted “by July 31 of each calendar year” for “annually” in the first sentence and added two additional sentences at the end.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM

SEC.

37-13-134. Comprehensive School Health Education Program.

§ 37-13-134. Comprehensive School Health Education Program.

(1) The Legislature recognizes that there is a problem with Mississippi student inactivity and obesity, and therefore requires the following guidelines for school district physical education, health education and physical activity and fitness classes:

(a) Kindergarten through Grade 8: One hundred fifty (150) minutes per week of physical activity-based instruction and forty-five (45) minutes per week of health education instruction, as defined by the State Board of Education.

(b) Grades 9 through 12: One-half (½) Carnegie unit requirement in physical education or physical activity for graduation, which shall include an instructional component on the proper administration of cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as part of the physical education curriculum. The curriculum shall incorporate into the instruction the psychomotor skills necessary to perform cardiopulmonary resuscitation and use of an automated external defibrillator as follows:

(i) An instructional program developed by the American Heart Association or the American Red Cross;

(ii) An instructional program which is nationally recognized and is based on the most current national evidence-based Emergency Cardiovascular Care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator;

(iii) A licensed teacher shall not be required to be a certified trainer of cardiopulmonary resuscitation, to facilitate, provide or oversee such instruction for noncertification; and

(iv) Courses which result in a certification being earned must be taught by an authorized CPR/AED instructor.

For purposes of this paragraph (b), the term “psychomotor skills” means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as “psychomotor skills.”

The requirements of this paragraph (b) shall be minimum requirements. Any local school district shall be authorized to offer CPR and AED instruction for longer periods of time than required herein, and may enhance the curriculum and training components.

(c) The State Department of Education shall establish a procedure for monitoring adherence by school boards to the requirements set forth in this section.

All instruction in physical education, health education and physical activity must be based on the most current state standards provided by the State Department of Education.

(2) Beginning with the 2006-2007 school year, each local school board shall, consistent with regulations adopted by the State Board of Education, adopt a school wellness plan which shall promote a healthy lifestyle for Mississippi’s school children and staff. Beginning with the 2008-2009 school year, the school wellness plan shall also promote increased physical activity, healthy eating habits and abstinence from the use of tobacco and illegal drugs through programs that incorporate healthy lifestyle choices into core subject areas which may be developed in partnership with the Institute for America’s Health.

(3) Beginning with the 2012-2013 school year, the State Board of Education, in consultation with the State Department of Health, shall have the authority to establish a school health pilot program to improve student health so that all students can fully participate and be successful in school. The school health pilot program shall be implemented in local school districts, as provided in Section 37-13-134.1.

(4) The Legislature shall appropriate sufficient state-source funds for the State Department of Education to employ a physical activity coordinator to assist districts on current and effective practices and on implementation of physical education and physical activity programs.

(5) The physical activity coordinator employed under Section 37-13-133 must have the qualifications prescribed in any of the following paragraphs, which are listed in the order of preference:

(a) A doctorate in physical education, exercise science or a highly related field, and at least three (3) years of experience in teaching physical education in Grades K-12 or in physical activity promotion/fitness leadership; or

(b) A master’s degree in physical education, exercise science or a highly related field, and at least five (5) years of experience in teaching physical

education in Grades K-12 or in physical activity promotion/fitness leadership; or

(c) A bachelor's degree in physical education, a teacher's license, and at least seven (7) years of experience in teaching physical education in Grades K-12 or in physical activity promotion/fitness leadership.

(6) The Governor's Commission on Physical Fitness and Sports created under Section 7-1-551 et seq., the Mississippi Council on Obesity Prevention and Management created under Section 41-101-1 et seq., the Task Force on Heart Disease and Stroke Prevention created under Section 41-103-1 et seq., the Mississippi Alliance for Health, Physical Education, Recreation and Dance, and the Mississippi Alliance for School Health shall provide recommendations to the State Department of Education regarding the employment of the physical activity coordinator. The department shall consider the recommendations of those entities in employing the physical activity coordinator.

(7) The physical activity coordinator shall present a state physical activity plan each year to the Governor's Commission on Physical Fitness and Sports, the Mississippi Council on Obesity Prevention and Management, the Task Force on Heart Disease and Stroke Prevention, the Mississippi Alliance for Health, Physical Education, Recreation and Dance, and the Mississippi Alliance for School Health.

(8) The physical activity coordinator shall monitor the districts for adherence to current Mississippi school accountability standards and for implementation of the physical education curriculum on file with the State Department of Education. The State Department of Education shall monitor and act as a clearinghouse for the activities of the local school health councils established pursuant to subsection (9) of this section.

(9)(a) The local school board of each school district shall establish a local school health council for each school which shall ensure that local community values are reflected in the local school's wellness plan to address school health. Such councils shall be established no later than November 1, 2006.

(b) The local school health council's duties shall include, but not be limited to, the following:

(i) Recommend age appropriate curriculum and the number of hours of instruction to be provided in health and physical activity-based education, provided that the number of hours shall not be less than that required by this section;

(ii) Recommend appropriate practices that include a coordinated approach to school health designed to prevent obesity, cardiovascular disease, Type II diabetes and other health risks, through coordination of:

1. Health education;
2. Physical education;
3. Nutritional services;
4. Parental/Community involvement;
5. Instruction to prevent the use of tobacco, drugs and alcohol;
6. Physical activity;
7. Health services;

8. Healthy environment;
9. Counseling and psychological services;
10. Healthy lifestyles; and
11. Staff wellness.

(iii) Provide guidance on the development and implementation of the local school wellness plan.

(c) The local school board shall appoint members to the local school health council. At a minimum, the school board shall appoint one (1) person from each of the following groups:

- (i) Parents who are not employed by the school district;
- (ii) The director of local school food services;
- (iii) Public schoolteachers;
- (iv) Public school administrators;
- (v) District students;
- (vi) Health care professionals;
- (vii) The business community;
- (viii) Law enforcement;
- (ix) Senior citizens;
- (x) The clergy;
- (xi) Nonprofit health organizations; and
- (xii) Faith-based organizations.

(10) Nothing in this section shall be construed to prohibit or limit the sale or distribution of any food or beverage item through fund-raisers conducted by students, teachers, school groups, or parent groups when the items are intended for sale off the school campus.

SOURCES: Laws, 2002, ch. 585, § 2; Laws, 2003, ch. 436, § 1; Laws, 2006, ch. 401, § 1; Laws, 2007, ch. 521, § 2; Laws, 2012, ch. 555, § 1; Laws, 2014, ch. 461, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, inserted the (1)(a) and (b) designators, added the language beginning “which shall include an instructional component” to the end of (1)(b) and added (1)(c).

CHAPTER 15

Public Schools; Records, Enrollment and Transfer of Pupils

SEC.

- 37-15-2. Storage of permanent records.
- 37-15-9. Requirements for enrollment of children in public schools.
- 37-15-38. Dual enrollment programs for dual high school and postsecondary credit; Mississippi Works Dual Enrollment-Dual Credit Option Program.

SEC.

- 37-16-17. Career track programs for students not pursuing baccalaureate degree; curriculum; dual-enrollment and dual-credit options.

§ 37-15-2. Storage of permanent records.

The permanent record provided for in Section 37-15-1 shall be kept, while it is active, in the attendance center office in a fire resistant container.

The permanent record shall be considered active: (a) if the student is enrolled in the school; or (b) if he has withdrawn or has been expelled and the students of the class of which he was a member shall not have reached the time of graduation.

At the point of the student's graduation or at the time when the student would normally have graduated had he not withdrawn or been expelled from school, the student's permanent record shall become a part of the permanent binder in the central fire resistant depository or stored digitally as designated and provided by the school board of the school district, or, as an alternative method, the records may be maintained in fire resistant storage at the school last attended by the student. The permanent binding and preservation of the inactive records shall be the duty of the superintendent of the school district who shall maintain a central depository of the records.

SOURCES: Laws, 1974, ch. 451 § 2; Laws, 1980, ch. 424, § 2; Laws, 1986, ch. 492, § 88; Laws, 1995, ch. 480, § 2; Laws, 2014, ch. 442, § 3, eff from and after passage (approved March 26, 2014.)

Amendment Notes — The 2014 amendment, in third paragraph, inserted “or stored digitally” in the first sentence.

§ 37-15-9. Requirements for enrollment of children in public schools.

(1) Except as provided in subsection (2) and subject to the provisions of subsection (3) of this section, no child shall be enrolled or admitted to any kindergarten which is a part of a public school during any school year unless such child will reach his fifth birthday on or before September 1 of said school year, and no child shall be enrolled or admitted to the first grade in any public school during any school year unless such child will reach his sixth birthday on or before September 1 of said school year. No pupil shall be permanently enrolled in a public school in the State of Mississippi who formerly was enrolled in another public or private school within the state until the cumulative record of the pupil shall have been received from the school from which he transferred. Should such record have become lost or destroyed, then it shall be the duty of the superintendent or principal of the school where the pupil last attended school to initiate a new record.

(2) Subject to the provisions of subsection (3) of this section, any child who transfers from an out-of-state public or private school in which that state's law provides for a first-grade or kindergarten enrollment date subsequent to September 1, shall be allowed to enroll in the public schools of Mississippi, at the same grade level as their prior out-of-state enrollment, if:

(a) The parent, legal guardian or custodian of such child was a legal resident of the state from which the child is transferring;

(b) The out-of-state school from which the child is transferring is duly accredited by that state's appropriate accrediting authority;

(c) Such child was legally enrolled in a public or private school for a minimum of four (4) weeks in the previous state; and

(d) The superintendent of schools in the applicable Mississippi school district or the principal of a charter school, as the case may be, has determined that the child was making satisfactory educational progress in the previous state.

(3) When any child applies for admission or enrollment in any public school in the state, the parent, guardian or child, in the absence of an accompanying parent or guardian, shall indicate on the school registration form if the enrolling child has been expelled from any public or private school or is currently a party to an expulsion proceeding. If it is determined from the child's cumulative record or application for admission or enrollment that the child has been expelled, the school district or charter school may deny the student admission and enrollment until the superintendent of the school, or his designee, or principal of the charter school, as the case may be, has reviewed the child's cumulative record and determined that the child has participated in successful rehabilitative efforts including, but not limited to, progress in an alternative school or similar program. If the child is a party to an expulsion proceeding, the child may be admitted to a public school pending final disposition of the expulsion proceeding. If the expulsion proceeding results in the expulsion of the child, the public school may revoke such admission to school. If the child was expelled or is a party to an expulsion proceeding for an act involving violence, weapons, alcohol, illegal drugs or other activity that may result in expulsion, the school district or charter school shall not be required to grant admission or enrollment to the child before one (1) calendar year after the date of the expulsion.

SOURCES: Codes, 1942, § 6225-03; Laws, 1953, Ex Sess, ch. 24, § 3; Laws, 1976, ch. 390, § 1; Laws, 1986, ch. 464; Laws, 1987, ch. 315; Laws, 1994, ch. 607, § 19; Laws, 2003, ch. 397, § 2; Laws, 2013, ch. 497, § 64; Laws, 2014, ch. 442, § 4; Laws, 2014, ch. 491, § 10, eff from and after passage (approved April 15, 2014.)

Joint Legislative Committee Note — Section 4 of ch. 442, Laws of 2014, effective from and after passage (approved March 26, 2014), amended this section. Section 10 of ch. 491, Laws of 2014, effective from and after passage (approved April 15, 2014), also amended this section. As set out above, this section reflects the language of Section 10 of ch. 491, Laws of 2014, which contains language that specifically provides that it supersedes § 37-15-9 as amended by Chapter 442, Laws of 2014.

Amendment Notes — The first 2014 amendment (ch. 442) substituted "August 1" for "September 1" twice in (1) and once in the introductory language in (2).

The second 2014 amendment (ch. 491) substituted "September 1" for "August 1" twice in (1) and once in the introductory language in (2).

§ 37-15-38. Dual enrollment programs for dual high school and postsecondary credit; Mississippi Works Dual Enrollment-Dual Credit Option Program.

(1) The following phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) A dual enrolled student is a student who is enrolled in a community or junior college or state institution of higher learning while enrolled in high school.

(b) A dual credit student is a student who is enrolled in a community or junior college or state institution of higher learning while enrolled in high school and who is receiving high school and college credit for postsecondary coursework.

(2) A local school board, the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board shall establish a dual enrollment system under which students in the school district who meet the prescribed criteria of this section may be enrolled in a postsecondary institution in Mississippi while they are still in school.

(3) **Dual credit eligibility.** Before credits earned by a qualified high school student from a community or junior college or state institution of higher learning may be transferred to the student's home school district, the student must be properly enrolled in a dual enrollment program.

(4) **Admission criteria for dual enrollment in community and junior college or university programs** The boards of trustees of the community and junior college districts and the Board of Trustees of State Institutions of Higher Learning may recommend to the State Board of Education admission criteria for dual enrollment programs under which high school students may enroll at a community or junior college or university while they are still attending high school and enrolled in high school courses. Students may be admitted to enroll in community or junior college courses under the dual enrollment programs if they meet that individual institution's stated dual enrollment admission requirements.

(5) **Tuition and cost responsibility.** Tuition and costs for university-level courses and community and junior college courses offered under a dual enrollment program may be paid for by the postsecondary institution, the local school district, the parents or legal guardians of the student, or by grants, foundations or other private or public sources. Payment for tuition and any other costs must be made directly to the credit-granting institution.

(6) **Transportation responsibility.** Any transportation required by a student to participate in the dual enrollment program is the responsibility of the parent, custodian or legal guardian of the student. Transportation costs may be paid from any available public or private sources, including the local school district.

(7) **School district average daily attendance credit.** — When dually enrolled, the student may be counted, for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school.

(8) **High school student transcript transfer requirements.** — Grades and college credits earned by a student admitted to a dual credit program must be recorded on the high school student record and on the college transcript at the university or community or junior college and high school where the student attends classes. The transcript of the university or community or junior college coursework may be released to another institution or applied toward college graduation requirements.

(9) **Determining factor of prerequisites for dual enrollment courses.** — Each university and community or junior college participating in a dual enrollment program shall determine course prerequisites. Course prerequisites shall be the same for dual enrolled students as for regularly enrolled students at that university or community or junior college.

(10) **Process for determining articulation of curriculum between high school, university, and community and junior college courses.** — All dual credit courses must meet the standards established at the postsecondary level. Postsecondary level developmental courses may not be considered as meeting the requirements of the dual credit program. Dual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program.

(11) [Deleted]

(12) **Eligible courses for dual credit programs.** — Courses eligible for dual credit include, but are not necessarily limited to, foreign languages, advanced math courses, advanced science courses, performing arts, advanced business and technology, and career and technical courses. All courses being considered for dual credit must receive unconditional approval from the superintendent of the local school district and the chief instructional officer at the participating community or junior college or university in order for college credit to be awarded. A university or community or junior college shall make the final decision on what courses are eligible for semester hour credits.

(13) **High school Carnegie unit equivalency.** — One (1) three-hour university or community or junior college course is equal to one (1) high school Carnegie unit.

(14) **Course alignment.** — The universities, community and junior colleges and the State Department of Education shall periodically review their respective policies and assess the place of dual credit courses within the context of their traditional offerings.

(15) **Maximum dual credits allowed.** — It is the intent of the dual enrollment program to make it possible for every eligible student who desires to earn a semester's worth of college credit in high school to do so. A qualified dually enrolled high school student must be allowed to earn an unlimited number of college or university credits for dual credit.

(16) **Dual credit program allowances.** — A student may be granted credit delivered through the following means:

(a) Examination preparation taught at a high school by a qualified teacher. A student may receive credit at the secondary level after completion of an approved course and passing the standard examination, such as an

Advanced Placement or International Baccalaureate course through which a high school student is allowed CLEP credit by making a three (3) or higher on the end-of-course examination.

(b) College or university courses taught at a high school or designated postsecondary site by a qualified teacher who is an employee of the school district and approved as an instructor by the collaborating college or university.

(c) College or university courses taught at a college, university or high school by an instructor employed by the college or university and approved by the collaborating school district.

(d) Online courses of any public university, community or junior college in Mississippi.

(17) Qualifications of dual credit instructors. — A dual credit academic instructor must meet the requirements set forth by the regional accrediting association (Southern Association of College and Schools). University and community and junior college personnel have the sole authority in the selection of dual credit instructors.

A dual credit career and technical education instructor must meet the requirements set forth by the Mississippi Community College Board in the qualifications manual for postsecondary career and technical personnel.

(18) Guidance on local agreements. — The Chief Academic Officer of the State Board of Trustees of State Institutions of Higher Learning and the Chief Instructional Officers of the Mississippi Community College Board and the State Department of Education, working collaboratively, shall develop a template to be used by the individual community and junior colleges and institutions of higher learning for consistent implementation of the dual enrollment program throughout the State of Mississippi.

(19) Mississippi Works Dual Enrollment-Dual Credit Option. — A local school board and the local community colleges board shall establish a Mississippi Works Dual Enrollment-Dual Credit Option Program under which potential or recent student dropouts may dually enroll in their home school and a local community college in a dual credit program consisting of high school completion coursework and a community college credential, certificate or degree program. Students completing the dual enrollment-credit option may obtain their high school diploma while obtaining a community college credential, certificate or degree. The Mississippi Department of Employment Security shall assist students who have successfully completed the Mississippi Works Dual Enrollment-Dual Credit Option in securing a job upon the application of the student or the participating school or community college. The Mississippi Works Dual Enrollment-Dual Credit Option Program will be implemented statewide in the 2012-2013 school year and thereafter. The State Board of Education, local school board and the local community college board shall establish criteria for the Dual Enrollment-Dual Credit Program. Students enrolled in the program will not be eligible to participate in interscholastic sports or other extracurricular activities at the home school district. Tuition and costs for community college courses offered under the Dual Enrollment-

Dual Credit Program shall not be charged to the student, parents or legal guardians. When dually enrolled, the student shall be counted for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school, as provided in Section 37-151-7(1)(a). Any transportation required by the student to participate in the Dual Enrollment-Dual Credit Program is the responsibility of the parent or legal guardian of the student, and transportation costs may be paid from any available public or private sources, including the local school district. Grades and college credits earned by a student admitted to this Dual Enrollment-Dual Credit Program shall be recorded on the high school student record and on the college transcript at the community college and high school where the student attends classes. The transcript of the community college coursework may be released to another institution or applied toward college graduation requirements. Any course that is required for subject area testing as a requirement for graduation from a public school in Mississippi is eligible for dual credit, and courses eligible for dual credit shall also include career, technical and degree program courses. All courses eligible for dual credit shall be approved by the superintendent of the local school district and the chief instructional officer at the participating community college in order for college credit to be awarded. A community college shall make the final decision on what courses are eligible for semester hour credits and the local school superintendent, subject to approval by the Mississippi Department of Education, shall make the final decision on the transfer of college courses credited to the student's high school transcript.

SOURCES: Laws, 2006, ch. 346, § 2; Laws, 2006, ch. 504, § 11; Laws, 2010, ch. 381, § 2; Laws, 2011, ch. 516, § 1; Laws, 2012, ch. 521, § 1; Laws, 2014, ch. 397, § 17; Laws, 2014, ch. 442, § 6, eff from and after passage (approved March 26, 2014.)

Joint Legislative Committee Note — Section 17 of ch. 397, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014), amended this section. Section 6 of ch. 442, Laws of 2014, effective from and after passage (approved March 26, 2014), also amended this section. As set out above, this section reflects the language of both amendments pursuant to Section 1-1-109 which gives the Joint Legislative Committee on Compilation, Revision, and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision, and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at the July 24, 2014, meeting of the Committee.

Amendment Notes — The first 2014 amendment (ch. 397) substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (2), (17), and (18).

The second 2014 amendment (ch. 442), in (2), (17) and (18), substituted “Mississippi Community College Board” for “State Board for Community Colleges”; in (11), substituted “[Deleted]” for “Ineligible courses for dual credit programs. Any course that is required for subject area testing as a requirement for graduation from a public school in Mississippi is not eligible for dual credit.”; and in the second undesignated paragraph of (17) and in (18), substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges.”

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

§ 37-16-17. Career track programs for students not pursuing baccalaureate degree; curriculum; dual-enrollment and dual-credit options.

(1) Purpose. —

(a) The purpose of this section is to create a quality option in Mississippi's high schools for students not wishing to pursue a baccalaureate degree, which shall consist of challenging academic courses and modern career-technical studies. The goal for students pursuing the career track is to graduate from high school with a standard diploma and credit toward a community college certification in a career-technical field. These students also shall be encouraged to take the national assessment in the career-technical field in which they become certified.

(b) The State Board of Education shall develop and adopt course and curriculum requirements for career track programs offered by local public school boards in accordance with this section. The Mississippi Community College Board and the State Board of Education jointly shall determine course and curriculum requirements for the career track program.

(2) Alternative career track; description; curriculum. (a) A career track shall provide a student with greater technical skill and a strong academic core and shall be offered to each high school student enrolled in a public school district. The career track program shall be linked to postsecondary options and shall prepare students to pursue either a degree or certification from a postsecondary institution, an industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field. The career track shall be designed primarily for those students who are not college bound and shall provide them with alternatives to entrance into a four-year university or college after high school graduation.

(b) Students pursuing a career track shall be afforded the opportunity to dually enroll in a community or technical college or to participate in a business internship or work-study program, when such opportunities are available and appropriate.

(c) Each public school district shall offer a career track program approved by the State Board of Education.

(d) Students in a career track program shall complete an academic core of courses and a career and technical sequence of courses.

(e) The twenty-one (21) course unit requirements for the career track shall consist of the following:

(i) At least four (4) English credits, including English I and English II.

(ii) At least three (3) mathematics credits, including Algebra I.

(iii) At least three (3) science credits, including one (1) unit of biology.

(iv) At least three (3) social studies credits, including one (1) unit of U.S. History and one (1) unit of Mississippi Studies/U.S. Government.

(v) At least one-half ($\frac{1}{2}$) credit in health or physical education.

(vi) At least four (4) credits in career and technical education courses in the dual enrollment-dual credit programs authorized under Section 37-15-38.

(vii) At least one (1) credit in integrated technology with optional end of course testing.

(viii) At least two and one-half ($2\frac{1}{2}$) credits in additional electives or career and technical education courses required by the local school board, as approved by the State Board of Education. Academic courses within the career track of the standard diploma shall provide the knowledge and skill necessary for proficiency on the state subject area tests.

(3) Nothing in this section shall disallow the development of a dual enrollment program with a technical college so long as an individual school district, with approval from the State Department of Education, agrees to implement such a program in connection with a technical college and the agreement is also approved by the proprietary school's commission.

SOURCES: Laws, 2010, ch. 381, § 1; Laws, 2011, ch. 517, § 1; Laws, 2014, ch. 397, § 18, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (1)(b).

CHAPTER 17

Accreditation of Schools

SEC.

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| 37-17-13. | Abolition of school districts declared to be in state of emergency; powers of board of education with regard to such school districts; reconstitution, etc., of districts. |
| 37-17-15. | Withdrawal of accreditation of certain school districts for reasons other than failure to meet student academic standards or comply with financial accountability requirements does not limit district schools' participation in extracurricular or athletic activities. |

§ 37-17-13. Abolition of school districts declared to be in state of emergency; powers of board of education with regard to such school districts; reconstitution, etc., of districts.

(1) Whenever the Governor declares a state of emergency in a school district in response to a certification by the State Board of Education and the Commission on School Accreditation made under Section 37-17-6(11)(b), the State Board of Education, in addition to any actions taken under Section 37-17-6, may abolish the school district and assume control and administration of the schools formerly constituting the district, and appoint a conservator to carry out this purpose under the direction of the State Board of Education. In such case, the State Board of Education shall have all powers which were held by the previously existing school board, and the previously existing superin-

tendent of schools or county superintendent of education, including, but not limited to, those enumerated in Section 37-7-301, and the authority to request tax levies from the appropriate governing authorities for the support of the schools and to receive and expend the tax funds as provided by Section 37-57-1 et seq., and Section 37-57-105 et seq.

(2) When a school district is abolished under this section, loans from the School District Emergency Assistance Fund may be made by the State Board of Education for the use and benefit of the schools formerly constituting the district in accordance with the procedures set forth in Section 37-17-6(14) for such loans to the district. The abolition of a school district under this section shall not impair or release the property of that school district from liability for the payment of the loan indebtedness, and it shall be the duty of the appropriate governing authorities to levy taxes on the property of the district so abolished from year to year according to the terms of the indebtedness until same shall be fully paid.

(3) After a school district is abolished under this section, at such time as the State Board of Education determines that the impairments have been substantially corrected, the State Board of Education shall reconstitute, reorganize or change or alter the boundaries of the previously existing district; however, no partition or assignment of territory formerly included in the abolished district to one or more other school districts may be made by the State Board of Education without the consent of the school board of the school district to which such territory is to be transferred, such consent to be spread upon its minutes. At that time, the State Board of Education, in appropriate cases, shall notify the appropriate governing authority or authorities of its action and request them to provide for the election or appointment of school board members in the manner provided by law. In the event the applicable statute provides that vacancies in an all-elected membership of the school board will be filled by appointment by the remaining members of the school board and no members of the school board remain in office, the Governor shall call a special election to fill the vacancies. In such situations, the Governor will set the date of the special election and said election will be conducted by the county election commission. The State Board of Education shall also request the governing authority or authorities to provide for the appointment of a superintendent or superintendents to govern the reconstituted, reorganized or changed district or districts, which such appointed position shall apply in all school districts including those school districts in which the position of superintendent was previously an elected office. A board member or superintendent in office at the time the Governor declares a state of emergency in a school district to be abolished shall not be eligible to serve in that office for the school district reconstituted, reorganized or changed after the Governor declares that an emergency no longer exists.

SOURCES: Laws, 1996, ch. 302, § 2; Laws, 1999, ch. 421, § 4; Laws, 2007, ch. 518, § 2, eff. July 23, 2007, the date the United States Attorney General interposed no objection, under Section 5 of the Voting rights Act of 1965, to the amendment of this section); Laws, 2012, ch. 525, § 2; Laws, 2013, ch. 331,

§ 1; Laws, 2013, ch. 363, § 1, eff July 16, 2013 (the date of the United States Attorney General's response to the submission of this section under Section 5 of the Voting Rights Act of 1965.)

Editor's Note — This section was amended by two bills in 2013. The effective date of each of the two bills that amended this section, Chapter 331 (House Bill No. 975) and Chapter 363 (Senate Bill No. 2779), is “from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.” However, after the bills were approved, the United States Supreme Court, in the case of *Shelby County v. Holder* (June 25, 2013), struck down the coverage formula that determined what jurisdictions are subject to Section 5 of the Voting Rights Act, so the coverage formula can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5.

Because of the *Shelby County* decision, the United States Attorney General is not making any determinations under Section 5 on voting or election changes made by states. The Supreme Court did not strike down Section 5, so it is still in effect. Chapter 331 was submitted to the United States Attorney General before the *Shelby County* decision was rendered. In a letter dated July 9, 2013, the United States Attorney General responded that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 331 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 331, so Chapter 331 became effective on the date of the response letter from the United States Attorney General, July 9, 2013.

Chapter 363 was not submitted before the *Shelby County* decision, but the Mississippi Attorney General's Office submitted Chapter 363 to the United States Attorney General, in order to technically meet the requirements of Section 5 and fulfill the condition in the effective date of the bill, which will allow the bill to take effect.

By letter dated July 16, 2013, the United States Attorney General responded that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 363 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 363, so Chapter 363 became effective from and after July 16, 2013, the date of the United States Attorney General's response letter. Because that date is later than the date of the response letter for Chapter 331, the version of this section in Chapter 363 is the controlling version of this section.

§ 37-17-15. Withdrawal of accreditation of certain school districts for reasons other than failure to meet student academic standards or comply with financial accountability requirements does not limit district schools' participation in extracurricular or athletic activities.

Effective March 26, 2014, the withdrawal of a school district's accreditation by the Commission on School Accreditation in a school district with an “A” or “B” accountability rating, for any reason other than failure to meet student academic standards or for failure to comply with financial accountability requirements, shall not result in any limitation of the schools in the district to participate in any extracurricular or athletic activity in the regular or postseason. The Commission on School Accreditation shall amend its rules and regulations to conform to the provisions of this section.

SOURCES: Laws, 2014, ch. 442, § 8, eff from and after passage (approved Mar. 26, 2014.)

CHAPTER 19

Teacher Compensation

SEC.

- 37-19-7. Scale of teachers' salaries; experience increases; salary supplement for certain school employees.
- 37-19-10. School recognition program created for prospective salary supplements for teachers and staff; Legislative intent; purpose; school eligibility; School Recognition Program Fund.

§ 37-19-7. Scale of teachers' salaries; experience increases; salary supplement for certain school employees.

(1) The allowance in the Mississippi Adequate Education Program for teachers' salaries in each county and separate school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

2014-2015 MINIMUM SALARY SCHEDULE

Years Exp.	AAAA	AAA	AA	A
0	38,108.00	36,944.00	35,780.00	33,390.00
1	38,108.00	36,944.00	35,780.00	33,390.00
2	38,108.00	36,944.00	35,780.00	33,390.00
3	38,902.00	37,671.00	36,440.00	33,885.00
4	39,696.00	38,398.00	37,100.00	34,380.00
5	40,490.00	39,125.00	37,760.00	34,875.00
6	41,284.00	39,852.00	38,420.00	35,370.00
7	42,078.00	40,579.00	39,080.00	35,865.00
8	42,872.00	41,306.00	39,740.00	36,360.00
9	43,666.00	42,033.00	40,400.00	36,855.00
10	44,460.00	42,760.00	41,060.00	37,350.00
11	45,254.00	43,487.00	41,720.00	37,845.00
12	46,048.00	44,214.00	42,380.00	38,340.00
13	46,842.00	44,941.00	43,040.00	38,835.00
14	47,636.00	45,668.00	43,700.00	39,330.00
15	48,430.00	46,395.00	44,360.00	39,825.00
16	49,224.00	47,122.00	45,020.00	40,320.00
17	50,018.00	47,849.00	45,680.00	40,815.00
18	50,812.00	48,576.00	46,340.00	41,310.00
19	51,606.00	49,303.00	47,000.00	41,805.00
20	52,400.00	50,030.00	47,660.00	42,300.00
21	53,194.00	50,757.00	48,320.00	42,795.00

Years Exp.	AAAA	AAA	AA	A
22	53,988.00	51,484.00	48,980.00	43,290.00
23	54,782.00	52,211.00	49,640.00	43,785.00
24	55,576.00	52,938.00	50,300.00	44,280.00
25	58,430.00	55,725.00	53,020.00	46,835.00
26	59,224.00	56,452.00	53,680.00	47,330.00
27	60,018.00	57,179.00	54,340.00	47,825.00
28	60,812.00	57,906.00	55,000.00	48,320.00
29	61,606.00	58,633.00	55,660.00	48,815.00
30	62,400.00	59,360.00	56,320.00	49,310.00
31	63,194.00	60,087.00	56,980.00	49,805.00
32	63,988.00	60,814.00	57,640.00	50,300.00
33	64,782.00	61,541.00	58,300.00	50,795.00
34	65,576.00	62,268.00	58,960.00	51,290.00
35 & above	66,370.00	62,995.00	59,620.00	51,785.00

2015-2016 MINIMUM SALARY SCHEDULE

Years Exp.	AAAA	AAA	AA	A
0	39,108.00	37,944.00	36,780.00	34,390.00
1	39,108.00	37,944.00	36,780.00	34,390.00
2	39,108.00	37,944.00	36,780.00	34,390.00
3	39,902.00	38,671.00	37,440.00	34,885.00
4	40,696.00	39,398.00	38,100.00	35,380.00
5	41,490.00	40,125.00	38,760.00	35,875.00
6	42,284.00	40,852.00	39,420.00	36,370.00
7	43,078.00	41,579.00	40,080.00	36,865.00
8	43,872.00	42,306.00	40,740.00	37,360.00
9	44,666.00	43,033.00	41,400.00	37,855.00
10	45,460.00	43,760.00	42,060.00	38,350.00
11	46,254.00	44,487.00	42,720.00	38,845.00
12	47,048.00	45,214.00	43,380.00	39,340.00
13	47,842.00	45,941.00	44,040.00	39,835.00
14	48,636.00	46,668.00	44,700.00	40,330.00
15	49,430.00	47,395.00	45,360.00	40,825.00
16	50,224.00	48,122.00	46,020.00	41,320.00
17	51,018.00	48,849.00	46,680.00	41,815.00
18	51,812.00	49,576.00	47,340.00	42,310.00
19	52,606.00	50,303.00	48,000.00	42,805.00
20	53,400.00	51,030.00	48,660.00	43,300.00
21	54,194.00	51,757.00	49,320.00	43,795.00
22	54,988.00	52,484.00	49,980.00	44,290.00
23	55,782.00	53,211.00	50,640.00	44,785.00
24	56,576.00	53,938.00	51,300.00	45,280.00
25	59,430.00	56,725.00	54,020.00	47,835.00
26	60,224.00	57,452.00	54,680.00	48,330.00
27	61,018.00	58,179.00	55,340.00	48,825.00

Years Exp.	AAAA	AAA	AA	A
28	61,812.00	58,906.00	56,000.00	49,320.00
29	62,606.00	59,633.00	56,660.00	49,815.00
30	63,400.00	60,360.00	57,320.00	50,310.00
31	64,194.00	61,087.00	57,980.00	50,805.00
32	64,988.00	61,814.00	58,640.00	51,300.00
33	65,782.00	62,541.00	59,300.00	51,795.00
34	66,576.00	63,268.00	59,960.00	52,290.00
35 & above	67,370.00	63,995.00	60,620.00	52,785.00

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of the current school year. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided above in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(2)(a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars (\$6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. Provided, however, that the total number of licensed school nurses eligible for a salary supplement under this subparagraph (ii) shall not exceed thirty-five (35).

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board or is employed by a state agency under the State Personnel Board. The licensed speech-language pathologist and audiologist and certified academic language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, the total number of certified academic language therapists

eligible for a salary supplement under this paragraph (iv) shall not exceed twenty (20).

(b) An employee shall be reimbursed one time for the actual cost of completing the process of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars (\$500.00) for a school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its minimum education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one individual employee holding multiple qualifying national certifications.

(d) The State Department of Education may not pay any process reimbursement to a school district for an employee who does not complete the certification or endorsement process required to be eligible for the certificate or endorsement. If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3)(a) Effective July 1, 2007, if funds are available for that purpose, the Legislature may authorize state funds for additional base compensation for teachers holding licenses in critical subject areas or the equivalent and who teach at least a majority of their courses in a critical subject area, as determined by the State Board of Education.

(b) Effective July 1, 2007, if funds are available for that purpose, the Legislature may authorize state funds for additional base compensation for

teachers employed in a public school district located in a geographic area of the state designated as a critical teacher shortage area by the State Board of Education.

(4)(a) This section shall be known and may be cited as the “Mississippi Performance-Based Pay (MPBP)” plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding certified teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi’s teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school’s performance as determined by the school’s increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. The State Board of Education shall develop the MPBP policies and procedures and report to the Legislature and Governor by December 1, 2006.

(5)(a) Beginning in the 2008-2009 school year, if funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars (\$1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor teachers that provide mentoring services to beginning teachers. For the purposes of such funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of

classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 37-19-9 may award additional teacher and administrator pay based thereon.

SOURCES: Former 1972 Code § 37-19-7 [Codes, 1942, § 6248-02; Laws, 1953, Ex Sess ch. 14, § 2; Laws, 1954, ch. 269; Laws, 1955, Ex Sess ch. 55; Laws, 1958, ch. 306, § 2; Laws, 1960, ch. 295, § 2; Laws, 1962, 2d Ex Sess ch. 20; Laws, 1964, ch. 386; Laws, 1965, Ex Sess ch. 21; Laws, 1966, ch. 400, § 1; Laws, 1968, ch. 392, § 2; Laws, 1970, ch. 367, § 2; Laws, 1971, ch. 363, § 2; Laws, 1973, ch. 398, § 1; Laws, 1975, ch. 322, § 2] recodified as § 37-19-21 by Laws, 1977, ch. 486, § 11. Former 1972 Code § 37-19-5, subsections (2) and (5) [Codes, 1942, § 6248-02; Laws, 1953, Ex Sess ch. 14, § 2; Laws, 1954, ch. 269; Laws, 1955, Ex Sess ch. 55; Laws, 1958, ch. 306, § 2; Laws, 1960 ch. 295, § 2; Laws, 1962, 2d Ex Sess ch. 20, § 1; Laws, 1964, ch. 386; Laws, 1965, Ex Sess ch. 21; Laws, 1966, ch. 400, § 1; Laws, 1968, ch. 392, § 2; Laws, 1970, ch. 367, § 1; Laws, 1971, ch. 363, § 2] amended and codified as § 37-19-7 by 1977, ch. 486, § 4; Laws, 1978, ch. 513, § 4; Laws, 1979, ch. 484, § 1; Laws, 1980, ch. 509, § 1; Laws, 1981, ch. 517, § 1; Laws, 1982, Ex Sess, ch. 17, § 23; Laws, 1985, ch. 351, § 29; Laws, 1988, ch. 487, § 1; Laws, 1991, ch. 558 § 9; Laws, 1992, ch. 524, § 12; Laws, 1993, ch. 618, § 1; Laws, 1994, ch. 581, § 10; Laws, 1995, ch. 617, § 1; Laws, 1996, ch. 434, § 1; Laws, 1997, ch. 545, § 25; Laws, 1997, ch. 508, § 1; Laws, 1998, ch. 533, § 1; Laws, 1999, ch. 494, § 1; Laws, 1999, ch. 596, § 1; Laws, 2000, ch. 533, § 8; Laws 2001, 1st Ex Sess, ch. 1, § 2; Laws, 2004, ch. 546, § 1; Laws, 2006, ch. 504, § 2; Laws, 2007, ch. 523, § 1; Laws, 2008, ch. 556, § 1; reenacted without change, Laws, 2009, ch. 345, § 25; Laws, 2009, ch. 508, § 2; Laws, 2010, ch. 486, § 5; Laws, 2011, ch. 442, § 16; Laws, 2013, ch. 494, § 7; Laws, 2014, ch. 503, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment rewrote (1), replacing former text with teacher minimum salary schedules and deleting the former name of the act; inserted two tables; and added two sentences to the end of (2)(c).

§ 37-19-10. School recognition program created for prospective salary supplements for teachers and staff; Legislative intent; purpose; school eligibility; School Recognition Program Fund.

(1) The Legislature finds that there is a need for a performance incentive program for outstanding teachers and staff in highly productive schools.

(2) Beginning with the 2016-2017 school year, the School Recognition Program is created to provide financial awards to public schools that:

(a) Sustain high performance by earning a school accountability rating of “A” which shall be funded at One Hundred Dollars (\$100.00) per pupil in average daily attendance;

(b) Sustain high performance by earning a school accountability rating of “B” which shall be funded at Seventy-five Dollars (\$75.00) per pupil in average daily attendance; or

(c) Demonstrate exemplary performance by improving at least one (1) letter grade, which shall be funded at One Hundred Dollars (\$100.00) per pupil in average daily attendance.

(3) All public schools, including charter schools, earning the appropriate school rating are eligible to participate in the program.

(4) School recognition awards must be used for nonrecurring salary supplements to the teachers and staff employed in the school receiving the financial award. Any nonrecurring salary supplements paid to teachers and staff shall be prospective, shall be paid over the remainder of the year, and shall not be considered part of the local supplement. For contracted individuals, there shall be an amendment to the existing contract.

(5) School recognition awards shall not be used for administrators.

(6) There is hereby created in the State Treasury, the School Recognition Program Fund which shall be used by the State Department of Education, depending on the availability of funds as appropriated, to provide financial awards to schools under this section. It shall be the duty of the State Department of Education to file with the State Treasurer and the State Fiscal Officer such data and information as may be required to enable the said State Treasurer and State Fiscal Officer to distribute the School Recognition Program Funds by electronic funds transfer to the several school districts at the time required and provided under the provisions of this section. Such data and information so filed shall show in detail the amount of funds to which each school district is entitled from the School Recognition Program Fund. Such data and information so filed may be revised from time to time as necessitated by law. At the time provided by law, the State Treasurer and the State Fiscal Officer shall distribute to the several school districts the amounts to which they are entitled from the School Recognition Program Fund as provided by this section. Such distribution shall be made by electronic funds transfer to the depositories of the several school districts designated in writing to the State Treasurer based upon the data and information supplied by the State Department of Education for such distribution. In such instances, the State Treasurer shall submit a request for an electronic funds transfer to the State Fiscal Officer, which shall set forth the purpose, amount and payees, and shall be in such form as may be approved by the State Fiscal Officer so as to provide the necessary information as would be required for a requisition and issuance of a warrant. A copy of the record of said electronic funds transfers shall be transmitted by the school district depositories to the Treasurer, who shall file duplicates with the State Fiscal Officer. The Treasurer and State Fiscal Officer shall jointly promulgate regulations for the utilization of electronic funds transfers to school districts from the School Recognition Program Fund.

(7) It is the intent of the Legislature to develop a plan to reward high-performing teachers in schools with an accountability rating of “C,” “D” and “F” by July 1, 2016.

SOURCES: Laws, 2014, ch. 503, § 2, eff from and after July 1, 2014.

CHAPTER 21

Early Childhood Education

Early Childhood Education Programs	37-21-1
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EARLY CHILDHOOD EDUCATION PROGRAMS

SEC.	
37-21-7.	Mississippi Elementary Schools Assistant Teacher Program.
37-21-11.	Kindergarten Readiness Assessment Program; legislative intent; timing of assessment.

§ 37-21-7. Mississippi Elementary Schools Assistant Teacher Program.

(1) This section shall be referred to as the “Mississippi Elementary Schools Assistant Teacher Program,” the purpose of which shall be to provide an early childhood education program that assists in the instruction of basic skills. The State Board of Education is authorized, empowered and directed to implement a statewide system of assistant teachers in kindergarten classes and in the first, second and third grades. The assistant teacher shall assist pupils in actual instruction under the strict supervision of a licensed teacher.

(2)(a) Except as otherwise authorized under subsection (7), each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade classes in the district in a manner that will promote the maximum efficiency, as determined by the superintendent, in the instruction of skills such as verbal and linguistic skills, logical and mathematical skills, and social skills.

(b) If a licensed teacher to whom an assistant teacher has been assigned is required to be absent from the classroom, the assistant teacher may assume responsibility for the classroom in lieu of a substitute teacher. However, no assistant teacher shall assume sole responsibility of the classroom for more than three (3) consecutive school days. Further, in no event shall any assistant teacher be assigned to serve as a substitute teacher for any teacher other than the licensed teacher to whom that assistant teacher has been assigned.

(3) Assistant teachers shall have, at a minimum, a high school diploma or a High School Equivalency Diploma equivalent, and shall show demonstratable proficiency in reading and writing skills. The State Department of Education shall develop a testing procedure for assistant teacher applicants to be used in all school districts in the state.

- (4)(a) In order to receive funding, each school district shall:
- (i) Submit a plan on the implementation of a reading improvement program to the State Department of Education; and

(ii) Develop a plan of educational accountability and assessment of performance, including pretests and posttests, for reading in Grades 1 through 6.

(b) Additionally, each school district shall:

(i) Provide annually a mandatory preservice orientation session, using an existing in-school service day, for administrators and teachers on the effective use of assistant teachers as part of a team in the classroom setting and on the role of assistant teachers, with emphasis on program goals;

(ii) Hold periodic workshops for administrators and teachers on the effective use and supervision of assistant teachers;

(iii) Provide training annually on specific instructional skills for assistant teachers;

(iv) Annually evaluate their program in accordance with their educational accountability and assessment of performance plan; and

(v) Designate the necessary personnel to supervise and report on their program.

(5) The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodic training for administrators, teachers and assistant teachers regarding the role of assistant teachers;

(b) Annually evaluate the program on the district and state level. Subject to the availability of funds specifically appropriated therefor by the Legislature, the department shall develop: (i) uniform evaluation reports, to be performed by the principal or assistant principal, to collect data for the annual overall program evaluation conducted by the department; or (ii) a program evaluation model that, at a minimum, addresses process evaluation; and

(c) Promulgate rules, regulations and such other standards deemed necessary to effectuate the purposes of this section. Noncompliance with the provisions of this section and any rules, regulations or standards adopted by the department may result in a violation of compulsory accreditation standards as established by the State Board of Education and the Commission on School Accreditation.

(6) In addition to other funds allotted under the Minimum Education or Adequate Education Program, each school district shall be allotted sufficient funding for the purpose of employing assistant teachers. No assistant teacher shall be paid less than the amount he or she received in the prior school year. No school district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year.

For the 2007-2008 school year and school years thereafter, the minimum salary for assistant teachers shall be Twelve Thousand Five Hundred Dollars (\$12,500.00).

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across the board increase in the base salaries for assistant teachers. The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.

(7)(a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

It is the intent of the Legislature that no school district shall dismiss any assistant teacher for the purpose of using the assistant teacher allotment to employ licensed teachers. School districts may rely only upon normal attrition to reduce the number of assistant teachers employed in that district.

(b) Districts meeting the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions of subsection (4) of this section.

SOURCES: Laws, 1982, Ex Sess, ch. 17, § 26; Laws, 1986, ch. 500, § 19; Laws, 1988, ch. 487, § 7; Laws, 1989, ch. 429, § 1; Laws, 1992, ch. 519, § 8; Laws, 1992, ch. 524, § 14; Laws, 1993, ch. 618, § 3; Laws, 1994, ch. 581, § 13; Laws, 1995, ch. 617, § 2; Laws, 1996, ch. 452, § 1; Laws, 1997, ch. 508, § 2; Laws, 1997, ch. 612, § 20; Laws, 1999, ch. 494, § 3; Laws, 2000, ch. 330, § 1; Laws, 2000, ch. 533, § 10; Laws, 2001, 1st Ex Sess, ch. 1, § 4; Laws, 2006, ch. 417, § 9; Laws, 2007, ch. 523, § 2; reenacted without change, Laws, 2009, ch. 345, § 26; reenacted and amended, Laws, 2009, ch. 445, § 9; Laws, 2014, ch. 398, § 3, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, in (3), substituted “High School Equivalency Diploma” for “GED.”

§ 37-21-11. Kindergarten Readiness Assessment Program; legislative intent; timing of assessment.

(1) There is hereby established the “Kindergarten Readiness Assessment Program,” authorizing the Mississippi Department of Education to establish a common statewide Kindergarten readiness assessment, the purpose of which is to provide teachers, administrators and parents baseline data on students at the beginning of their Kindergarten year. It is the intent of the Legislature, in establishing this program, to ensure that the Mississippi Department of Education shall:

(a) Select a readiness assessment that provides data on each Kindergarten student’s performance to inform deployment of resources and instructional supports;

(b) Establish a policy to ensure each student’s parent or guardian is informed of the student’s performance on the assessment;

(c) Establish a policy to ensure that districts report results to the State Superintendent of Education; and

(d) Require this assessment be given to all students enrolled in a public Kindergarten in Mississippi.

(2) The Kindergarten readiness assessment may be given prior to the beginning of Kindergarten or during the first thirty (30) days of the Kindergarten year.

SOURCES: Laws, 2014, ch. 536, § 2, eff from and after July 1, 2014.

CHAPTER 24

Mississippi Youth Concussion Law

Sec.

37-24-1. Short title.

37-24-3. Definitions.

37-24-5. Concussion management and return to play policy; components.

37-24-7. Concussion recognition education course; materials.

37-24-9. Immunity.

§ 37-24-1. Short title.

This chapter shall be known and may be cited as the “Mississippi Youth Concussion Law.”

SOURCES: Laws, 2014, ch. 301, § 1, eff from and after July 1, 2014.

§ 37-24-3. Definitions.

As used in this chapter, the following words and phrases have the meanings as defined in this section unless the context clearly indicates otherwise:

(a) “Health care provider” means a licensed physician or a licensed nurse practitioner, licensed physician assistant or licensed health care professional working within the person’s scope of practice and under the direct supervision or written consultation of a physician. All health care providers referred to in this chapter also must be trained in the evaluation and management of concussions.

(b) “School athletic event” means activities sanctioned by the Mississippi High School Activities Association (MHSAA) or the Mississippi Association of Independent Schools (MAIS), and school-sponsored activities in Grades 7 through 12 of schools that are not members of the MHSAA or the MAIS which activities are organized and conducted in a manner substantially similar to activities that are sanctioned by the MHSAA or the MAIS.

SOURCES: Laws, 2014, ch. 301, § 2, eff from and after July 1, 2014.

§ 37-24-5. Concussion management and return to play policy; components.

Each local board of education, administration of a nonpublic school, and governing body of a charter school shall adopt and implement a concussion management and return to play policy that includes the following components:

(a) Parents or guardians shall receive and sign a copy of the concussion policy before the start of the regular school athletic event season.

(b) An athlete who reports or displays any symptoms or signs of a concussion in a practice or game setting shall be removed immediately from the practice or game. The athlete shall not be allowed to return to the practice or game for the remainder of the day regardless of whether the athlete appears or states that he or she is normal.

(c) The athlete shall be evaluated by a health care provider working within the provider’s scope of practice.

(d) If an athlete has sustained a concussion, the athlete shall be referred to a licensed physician, preferably one with experience in managing sports concussion injuries.

(e) The athlete who has been diagnosed with a concussion shall be returned to play only after full recovery and clearance by a health care provider.

(f) An athlete shall not return to a competitive game before demonstrating that he or she has no symptoms in a full supervised practice.

(g) Athletes shall not continue to practice or return to play while still having symptoms of a concussion.

SOURCES: Laws, 2014, ch. 301, § 3, eff from and after July 1, 2014.

§ 37-24-7. Concussion recognition education course; materials.

The State Department of Health shall endorse one (1) concussion recognition education course to provide information to Mississippians of the nature and risk of concussions in youth athletics, which shall be available online. Such course may include education and training materials made available, at no charge, by the federal Centers for Disease Control and Prevention or other training materials substantively and substantially similar to those materials.

SOURCES: Laws, 2014, ch. 301, § 4, eff from and after July 1, 2014.

§ 37-24-9. Immunity.

This chapter does not create any liability for, or create a cause of action against, a school or its officers or employees, a health care provider, an organization or association of which a school or school district is a member, a private or public school, a private club, a public recreation facility, or an athletic league when such person or entity has complied with the provisions of this chapter.

SOURCES: Laws, 2014, ch. 301, § 5, eff from and after July 1, 2014.

CHAPTER 27**Agricultural High Schools**

SEC.

37-27-80. Hinds Agriculture High School discontinued; disposal of property; diplomas.

§ 37-27-80. Hinds Agriculture High School discontinued; disposal of property; diplomas.

(1) Effective July 1, 2014, the Hinds Agriculture High School shall be closed. Upon closure, all real property titled to or used by Hinds Agricultural High School will become the property of the Hinds Community College District.

(2) All personal property used by the Hinds Agricultural High School for secondary school purposes, including all nondisposable sports and/or extracurricular equipment (i.e., football helmets, shoulder pads, baseball bats and helmets, and band equipment) will become the property of the Hinds County School District. The division of such personal property will be determined by joint order of the Boards of Trustees of Hinds Community College District and Hinds County School District. Any cost of transferring title of such real or personal property will be paid by Hinds Community College District.

(3) Any such joint order directing the transfer of the personal property of the Hinds Agricultural High School shall be submitted and approved by the State Board of Education. The finding of the State Board of Education shall be

final and conclusive for the purpose of the transfer of property required by such administrative consolidation.

(4) The students attending the said agricultural high school shall be deemed to be students of the school district where they reside. After closure of Hinds Agricultural High School, any student who is enrolled at the Hinds Agricultural High School when the closure is effected may receive two (2) diplomas upon successful completion of all graduation requirements of the school district they subsequently attend: one (1) diploma to be the official completion with the school district they subsequently attend and the second to be a courtesy diploma reflecting graduation from Hinds Agriculture High School.

(5) In the event that Hinds Agricultural High School is closed, there will be a two-year waiver of test scores of Hinds Agricultural High School students being included in accountability calculations for Raymond High School and the Hinds County School District, subject to approval by the State Department of Education. In addition, the students from Hinds Agricultural High School will not be included in the graduation cohort for accountability calculations for the Hinds County School District, subject to approval by the State Department of Education.

SOURCES: Laws, 2014, ch. 520, § 1, eff from and after July 1, 2014.

CHAPTER 28

Charter Schools

[Repealed]

§ 37-28-7. Mississippi Charter School Authorizer Board created; jurisdiction; mission; composition [Repealed effective July 1, 2020].

(1) There is created the Mississippi Charter School Authorizer Board as a state agency with exclusive chartering jurisdiction in the State of Mississippi. Unless otherwise authorized by law, no other governmental agency or entity may assume any charter authorizing function or duty in any form.

(2)(a) The mission of the Mississippi Charter School Authorizer Board is to authorize high-quality charter schools, particularly schools designed to expand opportunities for underserved students, consistent with the purposes of this chapter. Subject to the restrictions and conditions prescribed in this subsection, the Mississippi Charter School Authorizer Board may authorize charter schools within the geographical boundaries of any school district.

(b) The Mississippi Charter School Authorizer Board may approve a maximum of fifteen (15) qualified charter applications during a fiscal year.

(c) In any school district designated as an “A,” “B” or “C” school district by the State Board of Education under the accreditation rating system, the Mississippi Charter School Authorizer Board may authorize charter schools

only if a majority of the members of the local school board votes at a public meeting to endorse the application or to initiate the application on its own initiative.

(3) The Mississippi Charter School Authorizer Board shall consist of seven (7) members, to be appointed as follows:

(a) Three (3) members appointed by the Governor, with one (1) member being from each of the Mississippi Supreme Court Districts.

(b) Three (3) members appointed by the Lieutenant Governor, with one (1) member being from each of the Mississippi Supreme Court Districts.

(c) One (1) member appointed by the State Superintendent of Public Education.

All appointments must be made with the advice and consent of the Senate. In making the appointments, the appointing authority shall ensure diversity among members of the Mississippi Charter School Authorizer Board.

(4) Members appointed to the Mississippi Charter School Authorizer Board collectively must possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction, and public education law. Each member of the Mississippi Charter School Authorizer Board must have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

(5) To establish staggered terms of office, the initial term of office for the three (3) Mississippi Charter School Authorizer Board members appointed by the Governor shall be four (4) years and thereafter shall be three (3) years; the initial term of office for the three (3) members appointed by the Lieutenant Governor shall be three (3) years and thereafter shall be three (3) years; and the initial term of office for the member appointed by the State Superintendent of Public Education shall be two (2) years and thereafter shall be three (3) years. No member may serve more than two (2) consecutive terms. The initial appointments must be made before September 1, 2013.

(6) The Mississippi Charter School Authorizer Board shall meet as soon as practical after September 1, 2013, upon the call of the Governor, and shall organize for business by selecting a chairman and adopting bylaws. Subsequent meetings shall be called by the chairman.

(7) An individual member of the Mississippi Charter School Authorizer Board may be removed by the board if the member's personal incapacity renders the member incapable or unfit to discharge the duties of the office or if the member is absent from a number of meetings of the board, as determined and specified by the board in its bylaws. Whenever a vacancy on the Mississippi Charter School Authorizer Board exists, the original appointing authority shall appoint a member for the remaining portion of the term.

(8) No member of the Mississippi Charter School Authorizer Board or employee, agent or representative of the board may serve simultaneously as an employee, trustee, agent, representative, vendor or contractor of a charter school authorized by the board.

(9) The Mississippi Charter School Authorizer Board shall appoint an individual to serve as the Executive Director of the Mississippi Charter School

Authorizer Board. The executive director shall possess the qualifications established by the board which are based on national best practices, and shall possess an understanding of state and federal education law. The executive director, who shall serve at the will and pleasure of the board, shall devote his full time to the proper administration of the board and the duties assigned to him by the board and shall be paid a salary established by the board, subject to the approval of the State Personnel Board. Subject to the availability of funding, the executive director may employ such administrative staff as may be necessary to assist the director and board in carrying out the duties and directives of the Mississippi Charter School Authorizer Board.

(10) The Mississippi Charter School Authorizer Board shall be located, for administrative purposes, within the offices of the State Institutions of Higher Learning, which shall provide meeting space and clerical support for the board.

SOURCES: Laws, 2013, ch. 497, § 4; Laws, 2014, ch. 458, § 2, eff from and after passage (approved March 31, 2014.)

Amendment Notes — The 2014 amendment, in (9), deleted “and general counsel” following “Executive Director” in the first sentence and following “executive director” in the third and fourth sentences; inserted “Mississippi Charter School Authorizer” preceding “Board” in the first sentence; substituted “The executive director shall possess” for “In addition to possessing,” deleted “the executive director and general counsel must be licensed to practice law in the State of Mississippi” following “based on national best practices” and substituted “shall” for “must” in the second sentence.

CHAPTER 29

Junior Colleges

In General	37-29-1
President and Board of Trustees	37-29-61
Borrowing of Money; Issuance of Bonds	37-29-101
Vocational and Vocational-Technical Education	37-29-161
Miscellaneous	37-29-261
Mississippi Gulf Coast Junior College District	37-29-401
Copiah-Lincoln Junior College District	37-29-451
Meridian Junior College District	37-29-501
Coahoma Community College District	37-29-551
Educational Building Corporations	37-29-601

IN GENERAL

SEC.	
37-29-1.	Creation, establishment, maintenance and operation of community colleges authorized; types of instruction to be offered; early admission program.

§ 37-29-1. Creation, establishment, maintenance and operation of community colleges authorized; types of instruction to be offered; early admission program.

(1) The creation, establishment, maintenance and operation of community colleges is authorized. Community colleges may admit students if they

have earned one (1) unit less than the number of units required for high school graduation established by State Board of Education policy or have earned a High School Equivalency Diploma in courses correlated to those of senior colleges or professional schools. Subject to the provisions of Section 75-76-34, they shall offer, without limitation, education and training preparatory for occupations such as agriculture, industry of all kinds, business, homemaking and for other occupations on the semiprofessional and vocational-technical level. They may offer courses and services to students regardless of their previous educational attainment or further academic plans.

(2) The boards of trustees of the community college districts are authorized to establish an early admission program under which applicants having a minimum ACT composite score of twenty-six (26) or the equivalent SAT score may be admitted as full-time college students if the principal or guidance counselor of the student recommends in writing that it is in the best educational interest of the student. Such recommendation shall also state that the student's age will not keep him from being a successful full-time college student. Students admitted in the early admission program shall not be counted for adequate education program funding purposes in the average daily attendance of the school district in which they reside, and transportation required by a student to participate in the early admission program shall be the responsibility of the parents or legal guardians of the student. Grades and college credits earned by students admitted to the early admission program shall be recorded on the college transcript at the community college where the student attends classes, and may be released to another institution or used for college graduation requirements only after the student has successfully completed one (1) full semester of course work.

(3) The community colleges shall provide, through courses or other acceptable educational measures, the general education necessary to individuals and groups which will tend to make them capable of living satisfactory lives consistent with the ideals of a democratic society.

SOURCES: Codes, 1942, § 6475-01; Laws, 1950, ch. 369, § 1; Laws, 1987, ch. 320; Laws, 1996, ch. 327, § 1; Laws, 1998, ch. 398, § 1; Laws, 1998, ch. 578, § 1; Laws, 2002, ch. 361, § 1; Laws, 2011, ch. 511, § 3; Laws, 2013, ch. 327, § 4; Laws, 2014, ch. 398, § 4, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, in (1), substituted "High School Equivalency Diploma" for "General Education Diploma (GED)."

PRESIDENT AND BOARD OF TRUSTEES

SEC.

37-29-67. General powers and duties of trustees.
37-29-69. Junior college attendance centers.

§ 37-29-67. General powers and duties of trustees.

(1) The duties of the board of trustees shall be the general government of the community/junior college and directive of the administration thereof.

Subject to the provisions of Sections 37-29-1 through 37-29-273, the board shall have full power to do all things necessary to the successful operation of the district and the college or colleges or attendance centers located therein to insure educational advantages and opportunities to all the enrollees within the district.

(2) The board of trustees shall be authorized to designate a personnel supervisor or other person employed by the district to recommend teachers and to transmit such recommendations to the board of trustees; however, this authorization shall be restricted to no more than two (2) positions for each employment period in the district.

(3) The delineation and enumeration of the powers and purposes set out in Sections 37-29-1 through 37-29-273 shall be deemed to be supplemental and additional, and shall not be construed to restrict the powers of the board of trustees of the district or of any college located therein so as to deny to the said district and the college or colleges therein the rights, privileges and powers previously authorized by statute.

(4) The board of trustees shall have the power to enter into an energy performance contract, energy services contract, a shared-savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as prescribed in Section 31-7-14.

(5) The board of trustees shall be authorized, with the approval of the Mississippi Community College Board, to change the name of the junior college to community college. The Mississippi Community College Board shall establish guidelines for the implementation of any junior college name change. Any reference to junior college district in this chapter shall hereinafter refer to the junior college district or its successor in name as changed by the board of trustees.

(6) The boards of trustees shall purchase and maintain business property insurance and business personal property insurance on all college-owned buildings and/or contents as required by federal law and regulations of the Federal Emergency Management Agency (FEMA) as is necessary for receiving public assistance or reimbursement for repair, reconstruction, replacement or other damage to such buildings and/or contents caused by the Hurricane Katrina Disaster of 2005 or subsequent disasters. The boards of trustees are authorized to expend funds from any available source for the purpose of obtaining and maintaining that property insurance. The boards of trustees are authorized to enter into agreements with the Department of Finance and Administration, local school districts, other community/junior college districts, state institutions of higher learning, community hospitals and/or other state agencies to pool their liabilities to participate in a group business property and/or business personal property insurance program, subject to uniform rules and regulations as may be adopted by the Department of Finance and Administration.

SOURCES: Codes, 1942, §§ 6475-06, 6475-53, 6475-61; Laws, 1950, ch. 369, § 6; Laws, 1964, ch. 398, §§ 3, 11; Laws, 1985, ch. 493, § 4; Laws, 1987, ch. 498; Laws, 2002, ch. 532, § 2; Laws, 2004, ch. 321, § 2; Laws, 2005, ch. 528, § 2;

Laws, 2005, 5th Ex Sess, ch. 24, § 5; Laws, 2006, ch. 360, § 1; Laws, 2014, ch. 397, § 19; Laws, 2014, ch. 481, § 4, eff from and after July 1, 2014.

Joint Legislative Committee Note — Section 19 of ch. 397, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014), amended this section. Section 4 of ch. 481, Laws of 2014, effective from and after July 1, 2014 (approved April 10, 2014), also amended this section. As set out above, this section reflects the language of Section 4 of ch. 481, Laws of 2014, pursuant to Section 1-3-79 which provides that whenever the same section of law is amended by different bills during the same legislative session, and the effective dates of the amendments are the same, the amendment with the latest approval date shall supersede all other amendments to the same section approved on an earlier date.

Amendment Notes — The first 2014 amendment (ch. 397) substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” twice in (5).

The second 2014 amendment (ch. 481) substituted “enter into an energy performance contract, energy services contract” for “contract, on” and deleted “not to exceed fifteen (15) years” at the end of (4); and substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” twice in (5).

§ 37-29-69. Junior college attendance centers.

Any junior college district is hereby authorized and empowered to operate junior college attendance centers at existing sites of junior college plants and facilities and at such other places within the district, subject to the approval of the Mississippi Community College Board, as the board of trustees shall determine to be in the best interest of the district.

Two (2) or more boards of trustees may cooperate in establishing, operating and maintaining attendance centers.

SOURCES: Codes, 1942, §§ 6475-53, 6475-54; Laws, 1964, ch. 398, §§ 3, 4; Laws, 1986, ch. 434, § 6; Laws, 2014, ch. 397, § 20, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in the first paragraph.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

BORROWING OF MONEY; ISSUANCE OF BONDS

SEC.

37-29-107. Issuance of bonds for dormitories and other housing facilities.

§ 37-29-107. Issuance of bonds for dormitories and other housing facilities.

Subject to the approval of the Mississippi Community College Board, the boards of trustees of junior college districts are hereby authorized and empowered to contract with and borrow money from the United States of America, or any department, instrumentality, agency or agencies thereof, as may be designated or created to make loans or grants, or from private lenders,

for the purpose of acquiring land for, and erecting, repairing, remodeling, maintaining, adding to, extending, improving, equipping or acquiring dormitories with or without dining facilities, dwellings or apartments to be located at or near the campuses of such junior colleges, for the use of students, faculty members or officers or employees thereof. The said boards are hereby authorized to supervise the contracting for and the construction and equipping of all facilities constructed and financed hereunder.

SOURCES: Codes, 1942, § 6477-01; Laws, 1962, ch. 353, § 1; Laws, 1986, ch. 434, § 7; Laws, 2014, ch. 397, § 21, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” near the beginning of the first sentence.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

VOCATIONAL AND VOCATIONAL-TECHNICAL EDUCATION

- SEC.
- 37-29-167. Applications for benefits; local matching funds; district board of trustees authorized to receive gifts.
 - 37-29-169. Allocation of funds; review of application; certificate of necessity; disposition of application.

§ 37-29-167. Applications for benefits; local matching funds; district board of trustees authorized to receive gifts.

Any state public junior college desiring any benefit available under the provisions of the Mississippi Junior College Vocational and Technical Training Law of 1964 shall make application in triplicate therefor to the Mississippi Community College Board, and submit the same in the form and manner as said commission may direct.

The board of trustees of the junior college district is required and it is empowered to allocate local matching funds on at least a fifty-fifty basis to supplement state funds, and the commission shall determine the rules and conditions appertaining to same.

The board of trustees is authorized to receive all grants, scholarships or donations in carrying out the provisions of said law.

SOURCES: Codes, 1942, § 6475-34; Laws, 1964, ch. 401, § 4; Laws, 2014, ch. 397, § 68, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “junior college commission” in the first paragraph.

§ 37-29-169. Allocation of funds; review of application; certificate of necessity; disposition of application.

The formula for allocating funds to the state's public junior colleges in support of the purposes set forth in Section 37-29-163 shall be determined by the Mississippi Community College Board based upon need for the program set forth in the application.

Said board shall furnish a copy of the application to the Governor's Office of General Services and a copy to the Board of Economic Development. The Board of Economic Development shall review each application, and if said board finds and determines there exists a need for said training programs, facilities and equipment, it shall issue a certificate of necessity to the Mississippi Community College Board, which certificate of necessity shall be a prerequisite for approval.

The Mississippi Community College Board shall consider each application with reference to adequacy of the past, present and prospective use of the instruction, personnel, curriculum, equipment, budget, operation, facilities, grants, scholarships, tuition, maintenance and other similar administrative and technical data as relates to each junior college. The said board shall, by resolution or order, approve or disapprove the application.

SOURCES: Codes, 1942, § 6475-35; Laws, 1964, ch. 401, § 5; Laws, 1986, ch. 434, § 8; Laws, 2014, ch. 397, § 22, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted "Mississippi Community College Board" for "State Board for Community and Junior Colleges" throughout the section.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

MISCELLANEOUS

SEC.
37-29-268. Community College Repair and Renovation Fund.

§ 37-29-268. Community College Repair and Renovation Fund.

(1) There is hereby created in the State Treasury a special fund to be designated as the "Community College Repair and Renovation Fund" which shall consist of monies appropriated or otherwise made available therefor by the Legislature. Within the special fund, the State Treasury shall establish a subaccount for each community and junior college. Interest earned on monies in the special fund shall be deposited to the credit of such fund and money shall not lapse at the end of the fiscal year into the State General Fund. Money in the special fund shall be appropriated by the Legislature and allocated by the Bureau of Building, Grounds and Real Property Management, Department of Finance and Administration, for the repair, renovation and improvement of existing facilities owned by the community and junior colleges, including

utility infrastructure projects; heating, ventilation and air conditioning systems; and the replacement of furniture and equipment. However, the cost of such repair, renovation and improvement for any one (1) project shall not exceed One Million Dollars (\$1,000,000.00).

(2) Monies in the special fund shall be allocated to each community college's subaccount as follows:

(a) One-half (½) divided equally among the fifteen (15) public community and junior colleges; and

(b) One-half (½) divided upon the basis of the number of full-time academic, technical and vocational public community and junior college students actually enrolled and in attendance on the last day of the sixth week of the fall semester of the preceding year counting only those students who reside within the State of Mississippi. On or before December 1 of each year, the Mississippi Community College Board shall furnish the Bureau of Building, Grounds and Real Property Management, Department of Finance and Administration, the enrollment information required in this paragraph (b), including the percentage of statewide enrollment attributed to each community and junior college.

(3) For the purposes of this section, the term "furniture and equipment" shall be limited to the types of furniture and equipment items previously recorded in the community college's inventory.

SOURCES: Laws, 1999, ch. 334, § 2; Laws, 2014, ch. 397, § 23, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, inserted "(1)" in the last sentence of (1); and in (2)(b), substituted "Mississippi Community College Board" for "State Board for Community and Junior Colleges."

MISSISSIPPI GULF COAST JUNIOR COLLEGE DISTRICT

SEC.

37-29-411. General powers and duties of trustees.

37-29-413. Junior college attendance centers.

§ 37-29-411. General powers and duties of trustees.

The Board of Trustees of the Mississippi Gulf Coast Junior College District shall have the powers to do all things necessary to the successful operation of the said district and the college or colleges or attendance centers located therein.

The several colleges of the said district shall be under the direction of the board of trustees and the president and under the local supervision of a dean. The board of trustees shall, by resolution or order, provide for the government, maintenance and operation of each of the colleges within the district.

The said junior college district shall have all the powers of other junior college districts or junior colleges in the State of Mississippi and the delineation and enumeration of the powers and purposes set out in Sections 37-29-401

through 37-29-437 shall be deemed to be supplemental and additional and shall not be construed to restrict the powers of the governing authorities of the district or of any college located therein so as to deny to the said district and the colleges therein the rights, privileges and powers enjoyed by other junior colleges and junior college districts in the State of Mississippi.

The said junior college district shall remain subject to the jurisdiction and control of the Mississippi Community College Board as now established or as the same may be hereafter changed by law, and shall be subject to all rules and regulations and all statutory limitations which are now in effect or may hereafter be imposed, except as the same may be in direct conflict with the provisions of Sections 37-29-401 through 37-29-437.

SOURCES: Laws, 1962, ch. 381, §§ 5, 7, 14; Laws, 1968, ch. 390, § 1; Laws, 1986, ch. 434, § 9; Laws, 2014, ch. 397, § 24, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in the last paragraph.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

§ 37-29-413. Junior college attendance centers.

The Mississippi Gulf Coast Junior College District is hereby authorized and empowered to operate junior college attendance centers at Perkinston, Mississippi, in the vicinity of Gulfport and Biloxi and in the vicinity of Pascagoula and Moss Point and at such other places within the district, subject to the approval of the Mississippi Community College Board, as the board of trustees shall determine to be in the best interest of the district.

SOURCES: Laws, 1962, ch. 381, § 7; Laws, 1986, ch. 434, § 10; Laws, 2014, ch. 397, § 25, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges.”

COPIAH-LINCOLN JUNIOR COLLEGE DISTRICT

SEC.

- 37-29-451. Copiah-Lincoln Junior College District created.
- 37-29-459. General powers and duties of trustees.

§ 37-29-451. Copiah-Lincoln Junior College District created.

There is hereby created the Copiah-Lincoln Junior College District comprised of the territory lying within Adams, Copiah, Franklin, Jefferson, Lawrence, Lincoln and Simpson Counties and having boundaries coinciding with the external boundaries thereof. The said district shall be and is hereby constituted a legal political governmental subdivision and a body corporate. The board of trustees of said district, with the consent of the Mississippi

Community College Board, is hereby empowered to change the name of the district.

SOURCES: Laws, 1975, ch. 301, § 1; Laws, 2014, ch. 397, § 69, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “Junior College Commission.”

§ 37-29-459. General powers and duties of trustees.

The President and the Board of Trustees of the Copiah-Lincoln Junior College District shall have the powers to do all things necessary for the successful operation of said district and the campuses located therein.

The several colleges of the district shall be under the direction of the board of trustees and the president. The board of trustees shall, by resolution or order, provide for the government, maintenance and operation of each campus of the district.

The President and the Board of Trustees of the Copiah-Lincoln Junior College District shall have the same powers as the presidents and trustees of other junior colleges in the State of Mississippi.

The delineation and enumeration of the powers and purposes set out in Sections 37-29-451 through 37-29-471 shall be deemed to be supplemental and additional and shall not be construed to restrict the powers of the governing authorities of the district or of any college or campus located therein so as to deny any of the rights, privileges and powers enjoyed by other junior colleges and junior college districts in the State of Mississippi.

The said Copiah-Lincoln Junior College District shall remain subject to the jurisdiction and control of the Mississippi Community College Board as now established or as the same may be hereafter changed by law, and shall be subject to all rules and regulations and all statutory limitations which are now in effect or may hereafter be imposed, except as the same may be in direct conflict with the provisions of Sections 37-29-451 through 37-29-471.

SOURCES: Laws, 1975, ch. 301, § 5; Laws, 1986, ch. 434, § 11; Laws, 2014, ch. 397, § 26, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in the last paragraph.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

MERIDIAN JUNIOR COLLEGE DISTRICT

SEC.

37-29-507. General powers and duties of trustees.

§ 37-29-507. General powers and duties of trustees.

(1) The Board of Trustees of the Meridian Junior College District shall have the power to do all things necessary for the successful operation of the district; and, the duties of such board shall be the general government of the district and the direction of the administration thereof.

(2) The Meridian Junior College District shall have all the powers of other junior colleges and junior college districts in the State of Mississippi; and, the delineation and enumeration of the powers and purposes set out in Sections 37-29-501 through 37-29-515 shall not be construed to restrict the powers of the governing authorities of the district so as to deny to the district any of the rights, privileges and powers enjoyed by other junior colleges and junior college districts in the State of Mississippi.

(3) The Meridian Junior College District shall remain subject to the jurisdiction and control of the Mississippi Community College Board as now established or as the same may be hereafter changed by law and shall be subject to all rules and regulations and all statutory limitations which are now in effect or may hereafter be imposed, except as the same may be in direct conflict with the provisions of Sections 37-29-501 through 37-29-515.

SOURCES: Laws, 1980, ch. 428, § 4; Laws, 1986, ch. 434, § 12; Laws, 2014, ch. 397, § 27, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (3).

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

COAHOMA COMMUNITY COLLEGE DISTRICT

SEC.

37-29-559. President and Board of Trustees, powers; authority of Mississippi Community College Board.

§ 37-29-559. President and Board of Trustees, powers; authority of Mississippi Community College Board.

The President and the Board of Trustees of the Coahoma Community College District shall have the powers to do all things necessary for the successful operation of the district and the campuses located therein.

The college of the district shall be under the direction of the board of trustees and the president. The board of trustees shall, by resolution or order, provide for the government, maintenance and operation of the campus of the district.

The President and the Board of Trustees of the Coahoma Community College District shall have the same powers as the presidents and trustees of other community colleges in the State of Mississippi.

The delineation and enumeration of the powers and purposes set out in Sections 37-29-551 through 37-29-569 shall be deemed to be supplemental and

additional and shall not be construed to restrict the powers of the governing authorities of the district or of any college or campus located therein so as to deny any of the rights, privileges and powers enjoyed by other community/junior colleges and community/junior college districts in the State of Mississippi.

The Coahoma Community College District shall remain subject to the jurisdiction of the Mississippi Community College Board as now established or as the same may be hereafter changed by law, and shall be subject to all rules and regulations and all statutory limitations which are now in effect or may hereafter be imposed, except as the same may be in direct conflict with the provisions of Sections 37-29-551 through 37-29-569.

SOURCES: Laws, 1995, ch. 605, § 5; Laws, 2014, ch. 397, § 28, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in the last paragraph.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

EDUCATIONAL BUILDING CORPORATIONS

- SEC.
- 37-29-601. Authorization and procedure for organization of nonprofit educational building corporations.
 - 37-29-603. General powers of corporations.
 - 37-29-611. Declaration of necessity of formation of educational building corporation; vesting of title to facilities upon retirement of bonds.

§ 37-29-601. Authorization and procedure for organization of nonprofit educational building corporations.

Whenever the Mississippi Community College Board shall, by a proper resolution, declare the necessity of the formation of nonprofit corporations for the purpose of acquiring or constructing facilities for community and junior colleges under its jurisdiction, any number of natural persons, not less than three (3), who are residents of the State of Mississippi may file with the Secretary of State an application in writing for authority to incorporate a public nonprofit corporation, known as an “educational building corporation.” If it shall be made to appear that each of the persons is a duly qualified resident of this state, then the persons filing such application shall be authorized, subject to the prior approval by the board of the form of the articles of incorporation and bylaws thereof, to proceed to form the corporation as provided by the general law of this state with respect to corporations organized not-for-profit except as provided in Sections 37-29-601 through 37-29-613. The Secretary of State, upon receipt of the application, shall forthwith issue a certificate of incorporation.

SOURCES: Laws, 2010, ch. 511, § 18; Laws, 2014, ch. 397, § 29, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” near the beginning of the first sentence.

§ 37-29-603. General powers of corporations.

Each corporation formed under the provisions of Section 37-29-601 shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(a) To have succession by its corporate name for the duration of time, which may be in perpetuity, specified in its certificate of incorporation;

(b) To sue and be sued and to defend suits against it;

(c) To make use of a corporate seal and to alter it at pleasure;

(d) To acquire, whether by purchase, construction or gift, facilities for one or more community or junior college and land therefor;

(e) To equip, maintain, enlarge or improve such facilities;

(f) To lease under such terms and conditions as its board of directors may deem advisable and as shall not conflict with the provisions of Sections 37-29-601 through 37-29-613 to the Mississippi Community College Board or to such other entity as may be approved by the board subject to prior approval by the board of each issue of bonds;

(g) To issue its bonds for the purpose of defraying the cost of acquiring, constructing, maintaining, enlarging, improving or equipping any of such facilities or land in the manner provided in Section 37-29-601;

(h) To secure the payment of such bonds through the pledge of and lien on such revenues or other sources of income, including lease payments, entering into trust agreements, and the making of such covenants as are provided in Section 37-101-101;

(i) To refund bonds previously issued;

(j) To enter into contracts and agreements or do any act necessary for or incidental to the performance of its duties and the execution of its powers under Sections 37-29-601 through 37-29-613;

(k) To accept gifts from any source whatsoever;

(l) To appoint and employ such officers and agents, including attorneys, as its business may require; and

(m) To provide for such insurance as its board of directors may deem advisable.

SOURCES: Laws, 2010, ch. 511, § 19; Laws, 2014, ch. 397, § 30, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (f).

§ 37-29-611. Declaration of necessity of formation of educational building corporation; vesting of title to facilities upon retirement of bonds.

(1) The Mississippi Community College Board is hereby authorized and empowered, in its discretion, to pass proper resolutions declaring the necessity of the formation of nonprofit educational building corporations, as set forth in Section 37-29-601.

(2) When the principal of and the interest on any bonds of an educational building corporation payable from the revenues derived from the operation of facilities owned by the corporation shall have been paid in full, then such facilities shall become the property of the community or junior college on whose campus they are located and title to the facilities shall thereupon immediately vest in the community or junior college on whose campus they are located.

SOURCES: Laws, 2010, ch. 511, § 23; Laws, 2014, ch. 397, § 31, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (1).

CHAPTER 31

Vocational Education

Funds for Mississippi Board of Vocational and Technical Education 37-31-201

FUNDS FOR MISSISSIPPI BOARD OF VOCATIONAL AND TECHNICAL EDUCATION

SEC.
37-31-205. Authority of board.

§ 37-31-205. Authority of board.

(1) The State Board of Education shall have the authority to:

(a) Expend funds received either by appropriation or directly from federal or private sources;

(b) Channel funds to secondary schools, community and junior colleges and regional vocational-technical facilities according to priorities set by the board;

(c) Allocate funds on an annual budgetary basis;

(d) Set standards for and approve all vocational and technical education programs in the public school system and community and junior colleges or other agencies or institutions which receive state funds and federal funds for such purposes, including, but not limited to, the following vocational and technical education programs: agriculture, trade and industry, occupational home economics, consumer and homemaking education, distributive educa-

tion, business and office, health, industrial arts, guidance services, technical education, cooperative education, and all other specialized training not requiring a bachelor's degree, with the exception of programs of nursing education regulated under the provisions of Section 37-129-1. The State Board of Education shall authorize local school boards, within such school board's discretion, to offer distributive education as a one-hour or two-hour block course. There shall be no reduction of payments from state funding for distributive education due to the selection of either the one-hour or two-hour course offering;

(e) Set and publish licensure standards for vocational and technical education personnel. The State Board of Education shall recognize a vocational and technical education teacher's work when school is not in session which is in the teacher's particular field of instruction as a means for the teacher to fulfill the requirements for renewal of the teacher's license. The board shall establish, by rules and regulations, the documentation of such work which must be submitted to the board and the number of actual working hours required to fulfill renewal requirements. If a vocational and technical education teacher who does not have a bachelor's degree takes classes in fulfillment of licensure renewal requirements, such classes must be in furtherance of a bachelor's degree;

(f) Require data and information on program performance from those programs receiving state funds;

(g) Expend funds to expand career information;

(h) Supervise and maintain the Division of Vocational and Technical Education and to utilize, to the greatest extent possible, the division as the administrative unit of the board responsible for coordinating programs and services with local institutions;

(i) Utilize appropriate staff of the State Department of Education to perform services for the vocational student organizations, including, but not limited to, procurement, accounting services, tax services and banking services. The department may also procure and pay for annual audits of the vocational student organizations using vocational funds or other available funds of the State Department of Education. It is the intent of this provision that any related costs be paid with vocational funds appropriated by the Legislature;

(j) Promulgate such rules and regulations necessary to carry out the provisions of this chapter in accordance with Section 25-43-1 et seq.;

(k) Set standards and approve all vocational and technical education equipment and facilities purchased and/or leased with state and federal vocational funds;

(l) Encourage provisions for lifelong learning and changing personal career preferences and advancement of vocational and technical education students through articulated programs between high schools and community and junior colleges;

(m) Encourage the establishment of new linkages with business and industry which will provide for a better understanding of essential labor market concepts;

(n) Periodically review the funding and reporting processes required of local school districts by the board or division with the aim of simplifying or eliminating inefficient practices and procedures;

(o) Assist in the development of high technology programs and resource centers to support current and projected industrial needs;

(p) Assist in the development of a technical assistance program for business and industry which will provide for industrial training and services, including the transfer of information relative to new applications and advancements in technology; and

(q) Enter into contracts and agreements with the Mississippi Community College Board for conditions under which vocational and technical education programs in community and junior colleges shall receive state and federal funds which flow through the State Board of Education for such purposes.

(2) It is the intent of the Legislature that no vocational and technical education course or program existing on June 30, 1982, shall be eliminated by the State Board of Education under the authority vested in paragraph (d) of subsection (1) of this section prior to June 30, 1985. It is further the intent of the Legislature that no vocational and technical education teacher or other personnel employed on June 30, 1983, shall be discharged due to licensure standards promulgated by the board under paragraph (e) of subsection (1) of this section, if any such teacher or personnel shall have complied with any newly published licensure standards by June 30, 1985. Nothing contained in this section shall be construed to abrogate or affect in any manner the authority of local public school districts or community and junior colleges to eliminate vocational and technical education courses or programs or to discharge any vocational and technical education teacher or other personnel.

(3) The State Board of Education and the Mississippi Community College Board may provide that every vocational and technical education course or program in Mississippi may integrate academic and vocational-technical education through coherent sequences of courses, so that students in such programs achieve both academic and occupational competencies. The boards may expend federal funds available from the 1990 Perkins Act, or other available federal funds, for the alignment of vocational-technical programs with academic programs through the accreditation process and the teacher licensure process.

SOURCES: Laws, 1982, ch. 493, § 3; Laws, 1986, ch. 434, § 13; Laws, 1992, ch. 482, § 11; Laws, 1993, ch. 599, § 1; Laws, 1999, ch. 572, § 3; Laws, 2000, ch. 458, § 1; Laws, 2002, ch. 330, § 2; Laws, 2003, ch. 363, § 1; Laws, 2014, ch. 397, § 32, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (1)(q) and (3); and made a minor punctuation change.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

CHAPTER 33

Civilian Vocational Rehabilitation

State Department of Rehabilitation Services	37-33-151
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STATE DEPARTMENT OF REHABILITATION SERVICES

SEC.

- 37-33-173. Providers of interpreting services for a fee to deaf and hearing impaired required to register with Office on Deaf and Hard of Hearing; standards for registration; appointment of advisory council for development of program rules; confidentiality; penalties.

§ 37-33-173. Providers of interpreting services for a fee to deaf and hearing impaired required to register with Office on Deaf and Hard of Hearing; standards for registration; appointment of advisory council for development of program rules; confidentiality; penalties.

(1) As used in this section:

(a) "Certification" means the credentials that has been granted or recognized, or both, by the National Association of the Deaf (NAD), the Registry of Interpreters for the Deaf (RID), or any other national certifying body that is recognized by the Mississippi Office on Deaf and Hard of Hearing (ODHH), including, but not limited to: RID/NAD National Interpreter Certification (NIC) (NIC, NIC Advanced, NIC Master), NAD (III, IV or V), Comprehensive Skills Certificate (CSC), Certificate of Interpretation (CI), Certificate of Transliteration (CT), Ed:K-12 (Educational Interpreter Performance Appraisal [EIPA] Level 4 or 5), Certified Deaf Interpreter (CDI). It further includes the documentation that supports the certification level the interpreter has achieved.

(b) "Deaf or hard of hearing person" means a person who has either no hearing or who has significant hearing loss so as to need the services of an interpreter to communicate. "Deafblind person" means a person who has either the dual loss of hearing and sight or who has significant hearing and vision losses so as to need the services of an interpreter to communicate.

(c) "Interpreter training program" means a postsecondary degree program of at least two (2) years in duration that is accredited by the Mississippi Community College Board, the Mississippi institutions of higher learning or a comparable agency in another state.

(d) "Interpreter" means an individual who is certified or credentialed by the National Association of the Deaf, the Registry of Interpreters for the Deaf, any other national certifying organization which is recognized by the Mississippi Office on Deaf and Hard of Hearing (ODHH), or an individual who holds a valid ODHH-approved quality assurance screening level. Registered interpreters are required to adhere to professional standards and

a Code of Ethics as established by the National Association of the Deaf and the Registry of Interpreters for the Deaf.

(e) “Interpreting” is the process of providing accessible communication between and among consumers who are deaf or hard of hearing and those who are hearing. This process includes, but is not limited to, communication between persons who use American Sign Language, English, cued speech and oral communication. It may also include various other modalities that involve visual, gestural and tactile methods.

(f) “Quality assurance level (QA level)” means the level granted through an ODHHS-approved quality assurance screening evaluation. It further includes the documentation that supports the QA level the interpreter has achieved.

(g) “Register” means the process whereby the certification and quality assurance level of qualified interpreters are documented and maintained so as to permit those individuals to act as an interpreter for pay in the State of Mississippi.

(h) “Registering authority” means the agency that registers the credentials an interpreter holds, issues the registration documentation to do business in the State of Mississippi, and maintains the records to support the registration. The registering authority is the Mississippi Department of Rehabilitation Services, Office on Deaf and Hard of Hearing.

(i) “EIPA” means the Educational Interpreter Performance Assessment.

(2)(a) Commencing on July 1, 2005, no person, except as noted in subsection (2) (f), shall do any of the following with respect to providing interpreting services for consumers who are deaf or hard of hearing for a fee or other remuneration unless the person is registered with the registering authority:

(i) Engage in the practice of, or offer to engage in the practice of, interpreting for a fee.

(ii) Use the title of interpreter in connection with the person’s name.

(iii) Assume the identity of an interpreter.

(iv) Use the title of interpreter in advertisements or descriptions.

(v) Perform the function of or convey the impression that the person is an interpreter.

(b) On or after July 1, 2010, no person shall provide interpreting services and/or represent himself or herself as an interpreter for deaf or hard of hearing consumers for compensation unless such person is registered with the registering authority according to the provisions of this section. To register as an interpreter, one must satisfy one (1) of the following requirements: (i) hold certification recognized by the National Association of the Deaf or the Registry of Interpreters for the Deaf, (ii) hold a quality assurance screening level that is accepted by the Registering Authority, or (iii) score 3.0 or higher on the EIPA.

(c) In situations where there is extreme hardship or where deaf and hard of hearing consumers would be left with no interpreting services, a provisional permit may be granted on an annual basis, provided that documentation of improved interpreting skills is shown.

(d) The registering authority shall be charged with the responsibility for keeping all records and verifying the accuracy of the credentials of each applicant.

(e) Registration shall be for a period of two (2) years, and is renewable.

(f) The following shall be exceptions to subsection (2) (a) (b) (c):

(i) A person may engage in the practice of interpreting for religious services without being registered under the provisions of this section.

(ii) Students enrolled in an approved Interpreter Training Program (ITP) are granted a student level registration provided the ITP has an instructor who also is registered under the provisions of this section and the student pays the appropriate fees.

(iii) A graduate of an approved Interpreter Training Program (ITP) can continue to utilize their student level for two (2) years without registering provided they are supervised by an interpreter who is registered under the provisions of this section and the graduate pays the appropriate fees.

(g) The registering authority shall establish an Advisory Council to assist in writing the rules and setting the fees for registering. The Advisory Council shall have three (3) members. One (1) member shall be a deaf consumer; one (1) member shall be a registered interpreter who is actively engaged in the interpreting business; and one (1) member shall be at large. The Advisory Council may ask additional persons who are knowledgeable about the process and business of interpreting to assist them with the business of the council as needed.

(3) The deaf, hard of hearing, or deafblind consumer(s) and the hearing person(s) who employ, contract or otherwise engage the services of an interpreter are the principal parties in the interpreted communication or conversation, and as such hold exclusive rights to any information conveyed therein. Interpreters may not disclose or be compelled to disclose, through reporting or testimony or by subpoena, the contents of the conversations, except an interpreter working in conjunction with and paid by a state agency, private organization or primary or secondary school for the therapeutic, educational or rehabilitation purposes. This communication remains confidential, but may be shared with the appropriate agency or educational staff working to assist the deaf, hard of hearing or deafblind person.

(4) The registering authority shall develop forms and assist in referring grievances to the appropriate professional organization and/or authorities.

(5) The registering authority shall have oversight authority regarding in-state quality assurance evaluations to ensure that proper assessment tools, methods and procedures are followed and that evaluators are trained and qualified, as well as the authority to employ personnel as necessary to carry out the provisions of this section.

(6) Whoever is in violation of subsection (2) or (3) is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), and may be imprisoned for not more than six (6) months.

(7) Mississippi shall recognize interpreters who are licensed and/or certified in other states with equal or higher certification than the interpreting levels prescribed by the rules and regulations incumbent in this section. A nonresident interpreter may work up to fifteen (15) days per year without seeking a valid permit from the registering authority. The person who utilizes a nonresident interpreter is charged with the responsibility of verifying the credentials and type of interpreting the interpreter is qualified to do. If a nonresident interpreter works more than fifteen (15) calendar days per year in the State of Mississippi for compensation or other remuneration, the interpreter must become registered under the provisions of this section and pay the appropriate fees.

(8) The registering authority shall establish fair and equitable rules and a fee schedule, not to exceed One Hundred Dollars (\$100.00) per annual registration, to cover the cost of administering this section. The rules and fee schedule will be published for the general public.

SOURCES: Laws, 2005, ch. 402, § 1; Laws, 2010, ch. 479, § 1; Laws, 2014, ch. 397, § 71, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Community College Board” for “State Board for Community and Junior Colleges” in (1)(c).

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

CHAPTER 35

Adult Education

SEC.	
37-35-1.	Mississippi Community College Board to develop program of adult education.
37-35-3.	Establishment and maintenance of adult education classes; levy of ad valorem tax; High School Equivalency Diploma programs.
37-35-5.	Acceptance of federal funds.
37-35-7.	Utilization of state appropriations.
37-35-9.	High School Equivalency diploma testing program; administration and supervision.
37-35-11.	General educational development preparatory classes; policies and procedures; funding; annual report.
37-35-13.	Criminal penalties for violations of High School Equivalency Diploma security procedures.

§ 37-35-1. Mississippi Community College Board to develop program of adult education.

The Mississippi Community College Board is authorized and directed to prescribe rules and regulations, which said rules and regulations when properly promulgated and not inconsistent with the provisions of this chapter shall have the force and effect of law, under which a program may be established, maintained and supervised for the purpose of supplying educa-

tional advantages to adults, which shall include all persons sixteen (16) years of age and over, not enrolled in school or required to be enrolled in school by the compulsory school attendance law, Section 37-13-91, Mississippi Code of 1972. The aim and purpose of such a program shall be to reduce illiteracy and to provide a general plan of continuing education in the fundamental principles of democratic society, citizenship, public affairs, forums, home family life, arts and crafts, general cultural subjects with priority to be given to academic training through high school and training in technical skills and trades needed by industries, and such other subjects as the Mississippi Community College Board may prescribe for the social and economic advancement of adults. The Mississippi Community College Board is authorized to employ such additional supervisory, secretarial and clerical personnel as may be necessary to carry out the provisions of this chapter.

SOURCES: Codes, 1942, § 6240; Laws, 1940, ch. 177; Laws, 1960, ch. 293; Laws, 1992, ch. 538, § 1; Laws, 1993, ch. 375, § 1; Laws, 2014, ch. 397, § 33, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” throughout the section.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

§ 37-35-3. Establishment and maintenance of adult education classes; levy of ad valorem tax; High School Equivalency Diploma programs.

(1) The board of trustees of any school district, including any community/junior college, may establish and maintain classes for adults, including general educational development classes, under the regulations authorized in this chapter and pursuant to the standards prescribed in subsection (3). The property and facilities of the public school districts may be used for this purpose where such use does not conflict with uses already established.

(2) The trustees of any school district desiring to establish such program may request the taxing authority of the district to levy additional ad valorem taxes for the support of this program. The board of supervisors, in the case of a county school district, a special municipal separate school district, or a community/junior college district, and the governing authority of any municipality, in the case of a municipal separate school district, is authorized, in its discretion, to levy a tax not exceeding one (1) mill upon all the taxable property of the district for the support of this program. The tax shall be in addition to all other taxes authorized by law to be levied. In addition to the funds realized from any such levy, the board of trustees of any school district is authorized to use any surplus funds that it may have or that may be made available to it from local sources to supplement this program.

(3)(a) Any student participating in an approved High School Equivalency Diploma Option program administered by a local school district or a local

school district with an approved contractual agreement with a community/junior college or other local entity shall not be considered a dropout. Students in such a program administered by a local school district shall be considered as enrolled within the school district of origin for the purpose of enrollment for minimum program funding only. Such students shall not be considered as enrolled in the regular school program for academic or programmatic purposes.

(b) Students participating in an approved High School Equivalency Diploma Option program shall have an individual career plan developed at the time of placement to insure that the student's academic and job skill needs will be met. The Individual Career Plan will address, but is not limited to, the following:

- (i) Academic/instructional needs of the student;
- (ii) Job readiness needs of the student; and
- (iii) Work experience program options available for the student.

(c) Students participating in an approved High School Equivalency Diploma Option program may participate in existing job and skills development programs or in similar programs developed in conjunction with the High School Equivalency Diploma Option program and the vocational director.

(d) High School Equivalency Diploma Option programs may be operated by local school districts or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate a High School Equivalency Diploma Option program, the school board of a district designated to be the lead district shall serve as the governing board of the High School Equivalency Diploma Option program. Transportation for students placed in the High School Equivalency Diploma Option program shall be the responsibility of the school district of origin. The expense of establishing, maintaining and operating such High School Equivalency Diploma programs may be paid from funds made available to the school district through contributions, minimum program funds or from local district maintenance funds.

(e) The State Department of Education will develop procedures and criteria for placement of a student in the High School Equivalency Diploma Option programs. Students placed in High School Equivalency Diploma Option programs shall have parental approval for such placement and must meet the following criteria:

- (i) The student must be at least sixteen (16) years of age;
- (ii) The student must be at least one (1) full grade level behind his or her ninth grade cohort or must have acquired less than four (4) Carnegie units;
- (iii) The student must have taken every opportunity to continue to participate in coursework leading to a diploma; and
- (iv) The student must be certified to be eligible to participate in the GED course by the school district superintendent, based on the developed criteria.

(f) Students participating in an approved High School Equivalency Diploma Option program, who are enrolled in subject area courses through January 31 in a school with a traditional class schedule or who are enrolled in subject area courses through October 31 or through March 31 in a school on a block schedule, shall be required to take the end-of-course subject area tests for those courses in which they are enrolled.

SOURCES: Codes, 1942, § 6240; Laws, 1940, ch. 177; Laws, 1960, ch. 293; Laws, 1997, ch. 604, § 2; Laws, 2010, ch. 362, § 1; Laws, 2011, ch. 423, § 1; Laws, 2014, ch. 398, § 5, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment, substituted “High School Equivalency Diploma” for “General Educational Development (GED)” or “GED” throughout the section and inserted “junior” following “community” in the first sentence of (3)(a).

§ 37-35-5. Acceptance of federal funds.

For the purpose of supporting the adult education program authorized in this chapter, the Mississippi Community College Board is authorized to accept for and on behalf of the State of Mississippi, federal funds made available to the state for the purpose of adult education. Such funds shall be used by the Mississippi Community College Board for the administration of the program and to supplement the local funds made available by any school district, provided such program is conducted under the rules and regulations established by the Mississippi Community College Board. All programs of adult basic education administered by the State Department of Education on July 1, 1992, shall be continued with at least the same level of funding, until July 1, 1995, provided that such programs are financially and programmatically sound and meet the requirements of federal rules and regulations. Nothing in Sections 37-35-1 through 37-35-11 shall be interpreted in a manner to prevent or interfere with the independent operation or administration of adult education under the Department of Human Services, including, but not limited to, those programs administered by the Governor’s Office of Literacy and Workplace Enhancement, or of any general educational development preparatory instruction and testing administered by a school district in an alternative school program.

SOURCES: Codes, 1942, § 6240; Laws, 1940, ch. 177; Laws, 1960, ch. 293; Laws, 1992, ch. 538, § 2; Laws, 1993, ch. 375, § 2; Laws, 1997, ch. 604, § 3; Laws, 2014, ch. 397, § 34, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” throughout the section and made minor stylistic changes.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

§ 37-35-7. Utilization of state appropriations.

Any funds that may be appropriated by the State Legislature for the purpose of carrying out a program of adult education may be used to supplement local funds or to meet the minimum requirements of the federal government for a program of adult education in the state, provided such program is conducted under the rules and regulations established by the Mississippi Community College Board.

SOURCES: Codes, 1942, § 6240; Laws, 1940, ch. 177; Laws, 1960, ch. 293; Laws, 1992, ch. 538, § 3; Laws, 2014, ch. 397, § 35, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” at the end of the paragraph.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

§ 37-35-9. High School Equivalency diploma testing program; administration and supervision.

The Mississippi Community College Board is authorized to develop and establish general educational development preparatory classes in secondary schools and community/junior colleges and to provide financial assistance from the state for the specific purpose of preparing persons sixteen (16) years of age and older, not enrolled in school or required to be enrolled in school by the Compulsory School Attendance Law (Section 37-13-91) to successfully write the general educational development test and earn a certificate of equivalency which is equivalent to the high school diploma.

The Mississippi Community College Board is authorized to administer the High School Equivalency Diploma Testing Program in accordance with the policies and guidelines of the High School Equivalency Diploma Testing Service of the American Council on Education. Such administration shall include the approval of rules and regulations for the administration, scoring, issuing of transcripts and awarding of diplomas for the High School Equivalency Diploma Testing Program. The Mississippi Community College Board is hereby authorized to assess a fee in an amount not to exceed Five Dollars (\$5.00) for issuing an additional copy of a High School Equivalency Diploma transcript.

This program shall be administered by the Mississippi Community College Board through the secondary schools and community/junior colleges as the local needs indicate and are practical.

Full and general supervision over the program by the Mississippi Community College Board shall insure that duplication of effort by secondary schools and community/junior colleges will be eliminated; however, nothing in this section shall be construed to prohibit a school district from implementing a program of High School Equivalency Diploma preparatory instruction.

Adult students for general educational development preparatory classes may be accepted by schools and junior colleges from any area of the state provided students are bona fide residents of Mississippi.

Instructors, counselors and supervisors utilized in the teaching of general educational development preparatory classes shall be licensed in the appropriate area as required by the Mississippi Community College Board.

SOURCES: Laws, 1974, ch. 347, § 1; Laws, 1992, ch. 538, § 4; Laws, 1993, ch. 375, § 3; Laws, 1997, ch. 604, § 4; Laws, 2002, ch. 595, § 1; Laws, 2014, ch. 397, § 36; Laws, 2014, ch. 398, § 6, eff from and after July 1, 2014.

Joint Legislative Committee Note — Section 36 of ch. 397, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014, 9:10 a.m.), amended this section. Section 6 of ch. 398, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014, 9:27 a.m.), also amended this section. As set out above, this section reflects the language of Section 6 of ch. 398, Laws of 2014, pursuant to Section 1-3-79 which provides that whenever the same section of law is amended by different bills during the same legislative session, and the effective dates of the amendments are the same, the amendment with the latest approval date shall supersede all other amendments to the same section approved on an earlier date.

Amendment Notes — The first 2014 amendment (ch. 397) substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” throughout the section.

The second 2014 amendment (ch. 398) substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” and “High School Equivalency Diploma” for “General Educational Development (GED)” or “GED” throughout the section and substituted “High School Equivalency Diploma transcript” for “GED transcript or diploma” at the end of the second paragraph.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

§ 37-35-11. General educational development preparatory classes; policies and procedures; funding; annual report.

The Mississippi Community College Board shall determine policies and procedures for administration of this program.

Funds provided under this section and Section 37-35-9 can be used for matching federal funds if such become available.

Funds provided under this section and Section 37-35-9 shall be allocated to schools and community/junior colleges on an average of twelve (12) to fifteen (15) adult students per class in average attendance, for one hundred fifty (150) hours maximum instruction per class. Funds will be allocated on a basis of target population by county for general educational development preparatory classes based on adults who have from nine (9) to eleven (11) years of schooling as indicated by the 1990 census. Schools and community/junior colleges will receive one hundred percent (100%) of the cost of general educational development preparatory classes. All classes funded under this section and Section 37-35-9 shall be considered temporary and shall be renewed only as long as participation is adequate for continued funding.

An annual report on program activities, adult participation and results shall be prepared by the Mississippi Community College Board and submitted

to the Mississippi Legislature within the first month of regular legislative session each year.

SOURCES: Laws, 1974, ch. 347, § 2; Laws, 1992, ch. 538, § 5; Laws, 1993, ch. 375, § 4; Laws, 2014, ch. 397, § 37, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges.”

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

§ 37-35-13. Criminal penalties for violations of High School Equivalency Diploma security procedures.

(1) It is unlawful for anyone knowingly and willfully to do any of the following acts regarding the High School Equivalency Diploma:

- (a) Give an examinee access to test questions prior to testing;
- (b) Copy or reproduce all or any portion of any secure test booklet or completed test;
- (c) Coach an examinee during testing or alter or interfere with an examinee’s response in any way;
- (d) Make an answer key available to an examinee;
- (e) Forge, counterfeit or alter a transcript, diploma, grade report or High School Equivalency Diploma test;
- (f) Fail to account for all secure test materials before, during and after testing;
- (g) Participate in, direct, aid, counsel, assist in, encourage, fail to report any of the acts prohibited in this section, or engage in any activity with the intent to fraudulently obtain a High School Equivalency Diploma.

(2) Any person violating any provisions of subsection (1) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned for not more than ninety (90) days, or both. Upon conviction, the Mississippi Community College Board may suspend or revoke the High School Equivalency Diploma credential of the person convicted.

(3) The district attorney or county prosecuting attorney shall investigate allegations of violations of this section, either on their own initiative or following the receipt of an allegation, or at the request of the Executive Director of the Mississippi Community College Board.

(4) The district attorney or county prosecuting attorney shall furnish to the Executive Director of the Mississippi Community College Board a report of the findings of any investigation conducted pursuant to this section.

(5) Nothing in this section may be construed to prohibit or interfere with the responsibilities of the Mississippi Community College Board in test development or selection, test form construction, standard setting, test scoring and reporting, or any other related activities which in the judgment of the Executive Director of the Mississippi Community College Board are necessary and appropriate.

SOURCES: Laws, 2005, ch. 405, § 1; Laws, 2014, ch. 397, § 38; Laws, 2014, ch. 398, § 7, eff from and after July 1, 2014.

Joint Legislative Committee Note — Section 38 of ch. 397, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014, 9:10 a.m.), amended this section. Section 7 of ch. 398, Laws of 2014, effective from and after July 1, 2014 (approved March 19, 2014, 9:27 a.m.), also amended this section. As set out above, this section reflects the language of Section 7 of ch. 398, Laws of 2014, pursuant to Section 1-3-79 which provides that whenever the same section of law is amended by different bills during the same legislative session, and the effective dates of the amendments are the same, the amendment with the latest approval date shall supersede all other amendments to the same section approved on an earlier date.

Amendment Notes — The first 2014 amendment (ch. 397) substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (2), (3), (4), and (5) and made minor stylistic changes.

The second 2014 amendment (ch. 398) substituted “High School Equivalency Diploma” for “General Education Development Test (GED)” or “GED” and “Mississippi Community College Board” for “State Board for Community and Junior Colleges” throughout the section.

Cross References — Mississippi Community College Board generally, see §§ 37-4-1 et seq.

Index

A

AGRICULTURAL HIGH SCHOOLS.

Hinds agricultural high school, abolition, §37-27-80.

ANAPHYLAXIS.

Public and nonpublic school students.

Administration of auto-injectable epinephrine by school nursed or trained school employee, §37-11-71.

Self-administration of medication, §37-11-71.

ATHLETICS.

School athletics.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

Withdrawal of school accreditation.

Reasons other than noncompliance with academic standards or financial accountability.

Participation in extracurricular and athletic activities not affected, §37-17-15.

C

CHARTER SCHOOLS.

Authorizer.

Executive director of board, §37-28-7.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

CHILD ABUSE AND NEGLECT.

School policies regarding sexual abuse of children.

Erin's law awareness, §37-3-83.

COLLEGES AND UNIVERSITIES.

Research and development.

Exemptions from public records act, §37-11-51.

COMMUNITY AND JUNIOR COLLEGES.

Exemptions from public records act, §37-11-51.

CONCUSSIONS.

School athletics, §§37-24-1 to 37-24-9.

Definitions, §37-24-3.

Education and training to recognize concussions, §37-24-7.

Evaluation of athlete, §37-24-5.

Immunity for persons in compliance with provisions, §37-24-9.

Policy on concussion management and return to play, §37-24-5.

Referral to physician, §37-24-5.

Title of provisions, §37-24-1.

D

DEFINED TERMS.

Asthma and anaphylaxis medication.

Asthma and anaphylaxis child safety act, §37-11-71.

Auto-injectable epinephrine.

Asthma and anaphylaxis child safety act, §37-11-71.

Health care provider.

Concussions of participants in school athletics, §37-24-3.

High school equivalency diploma, §37-4-5.

Parent.

Asthma and anaphylaxis child safety act, §37-11-71.

School athletic event.

Concussions of participants in school athletics, §37-24-3.

Self-administration of prescription asthma and/or anaphylaxis medication.

Asthma and anaphylaxis child safety act, §37-11-71.

DIPLOMAS.

High school equivalency diploma.

See HIGH SCHOOL EQUIVALENCY DIPLOMA.

DROPOUTS.

Middle school dropout prevention and recovery pilot program, §37-13-80.1.

INDEX

E

EPINEPHRINE.

Administration of auto-injectable epinephrine by school nursed or trained school employee, §37-11-71.

Self administration of asthma or anaphylaxis medication.
School students, §37-11-71.

ERIN'S LAW AWARENESS.

Schools and education.

Sexual abuse of children, policies regarding, §37-3-83.

I

IMMUNITY.

Concussions of participants in school athletics.

Immunity for persons in compliance with provisions, §37-24-9.

K

KINDERGARTEN.

Readiness assessment program, §37-21-11.

M

MANPOWER DEVELOPMENT AND TRAINING.

High school equivalency diploma programs, §37-31-103.

MISSISSIPPI ASTHMA AND ANAPHYLAXIS CHILD SAFETY ACT, §37-11-71.

MISSISSIPPI YOUTH CONCUSSION LAW.

School athletics.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

P

PREKINDERGARTEN.

Kindergarten readiness assessment program, §37-21-11.

PUBLIC FUNDS.

School recognition program fund, §37-19-10.

S

SCHOOL BOARDS.

Accreditation of public schools.

Generally, §§37-17-1 to 37-17-15.

Athletic injuries suffered by students.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

Sexual abuse of children, policies regarding.

Erin's law awareness, §37-3-83.

SCHOOL BUILDINGS, FACILITIES, PROPERTY.

Air quality and air ventilation systems, §37-11-71.

Pollution.

Prevention of exposure of students to certain pollutants, §37-11-71.

SCHOOL BUSES.

Idling of engines.

Prevention of exposure of students to certain pollutants, §37-11-71.

SCHOOL EMPLOYEES.

School recognition program for highly productive schools, §37-19-10.

SCHOOL GUIDANCE COUNSELORS.

Delivery of services, §37-9-79.

Indirect services, §37-9-79.

School counseling core curriculum, §37-9-79.

SCHOOL NURSES.

Asthma and anaphylaxis child safety act.

Training, §37-11-71.

SCHOOLS AND EDUCATION.

Accreditation of schools, §§37-17-1 to 37-17-15.

Middle school dropout prevention and recovery pilot program, §37-13-80.1.

SCHOOLS AND EDUCATION

—Cont'd

Accreditation of schools —Cont'd

Withdrawal of accreditation.

Reasons other than noncompliance with academic standards or financial accountability.

Participation in extracurricular and athletic activities not affected, §37-17-15.

Allergic reactions.

Administration of auto-injectable epinephrine by school nurse or trained school employee, §37-11-71.

School buildings and facilities, steps to prevent exposure to pollutants, §37-11-71.

Self-administration of medication by students, §37-11-71.

Athletics.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

Withdrawal of school accreditation.

Reasons other than noncompliance with academic standards or financial accountability.

Participation in extracurricular and athletic activities not affected, §37-17-15.

Compulsory school attendance law.

Middle school dropout prevention and recovery pilot program, §37-13-80.1.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

Definitions, §37-24-3.

Education and training to recognize concussions, §37-24-7.

Evaluation of athlete, §37-24-5.

Immunity for persons in compliance with provisions, §37-24-9.

Policy on concussion management and return to play, §37-24-5.

Referral to physician, §37-24-5.

Title of provisions, §37-24-1.

Dropouts.

Middle school dropout prevention and recovery pilot program, §37-13-80.1.

Erin's law awareness.

Sexual abuse of children, policies regarding, §37-3-83.

Financial awards to schools.

School recognition program for highly productive schools, §37-19-10.

SCHOOLS AND EDUCATION

—Cont'd

Kindergarten.

Readiness assessment program, §37-21-11.

School recognition program for highly productive schools, §37-19-10.

Sexual abuse of children, policies regarding.

Erin's law awareness, §37-3-83.

SPORTS.

School athletics.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

Withdrawal of school accreditation.

Reasons other than noncompliance with academic standards or financial accountability.

Participation in extracurricular and athletic activities not affected, §37-17-15.

STATE DEPARTMENT OF EDUCATION.

Accreditation of schools.

Generally, §§37-17-1 to 37-17-15.

Dropouts.

Middle school dropout prevention and recovery pilot program, §37-13-80.1.

Exemption of personnel from state personnel system, §37-3-13.

Kindergartens.

Readiness assessment program, §37-21-11.

T

TEACHERS.

School recognition program for highly productive schools, §37-19-10.

TRAUMATIC BRAIN INJURY.

School athletics.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

Y

YOUTH CONCUSSION LAW.

School athletics.

Concussions of participants in school athletics, §§37-24-1 to 37-24-9.

